

THE
P R I N C I P L E S
OF
M O R A L P H I L O S O P H Y
INVESTIGATED,
AND BRIEFLY APPLIED TO THE CONSTITUTION
OF CIVIL SOCIETY:

TOGETHER WITH
R E M A R K S
ON
THE PRINCIPLE ASSUMED BY MR. PALEY AS THE BASIS OF
ALL MORAL CONCLUSIONS,
AND ON OTHER POSITIONS OF THE SAME AUTHOR.

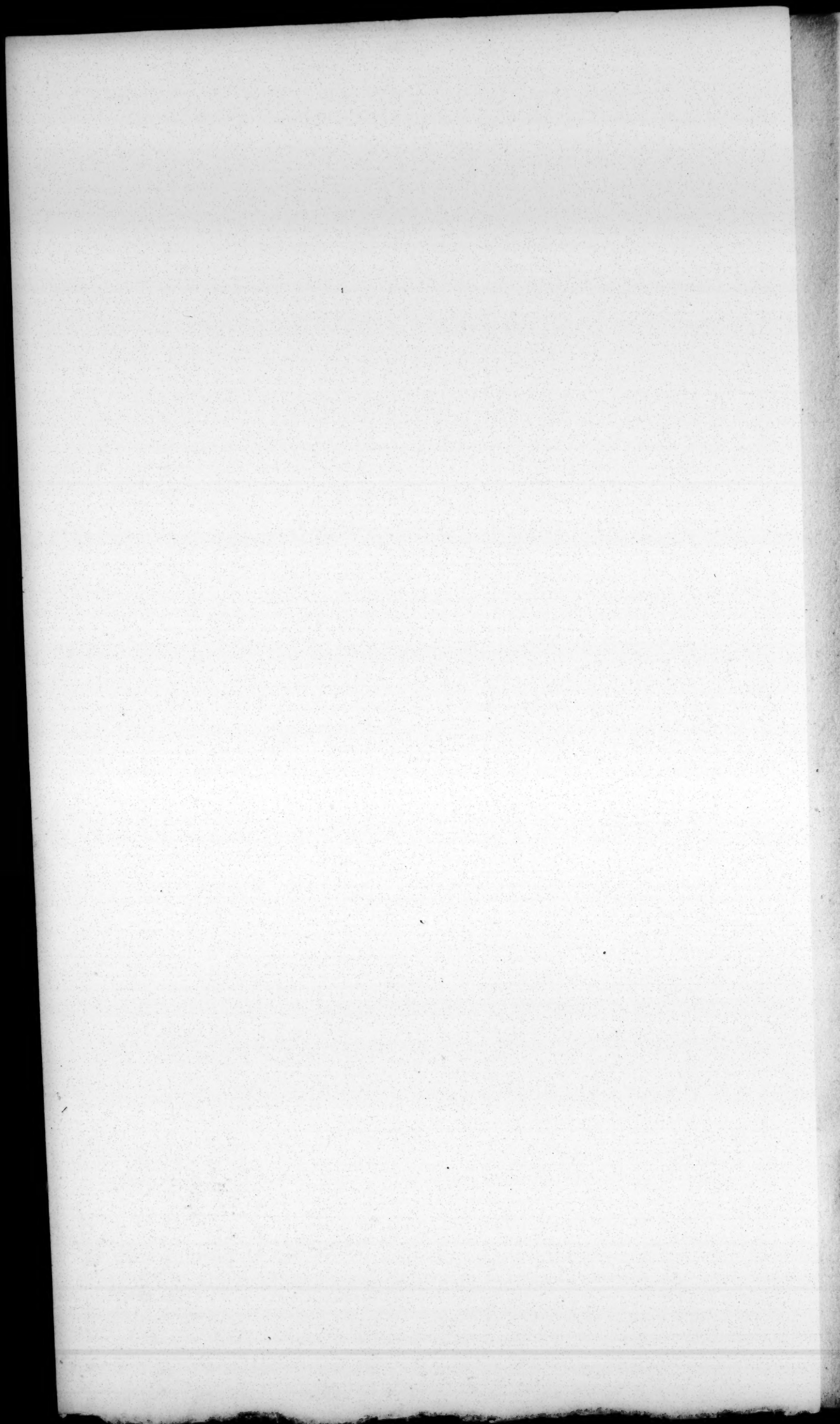
By THOMAS GISBORNE, M.A.

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TO THE
M E M B E R S
OF THE
UNIVERSITY OF CAMBRIDGE,
THE
FOLLOWING TREATISE
IS RESPECTFULLY DEDICATED.



P R E F A C E.

THE subsequent Treatise was occasioned by an appointment, which I understand to have taken place in the University of Cambridge, that candidates for the degree of Bachelor of Arts shall be examined in the “Elements of
“Moral and Political Philosophy.”

No one can rejoice more sincerely than myself at every academical regulation, which facilitates the study of morality; a study of universal importance, and deserving of the

utmost encouragement in a seminary particularly designed to complete the education of Christian ministers. Nor can any one be more fully convinced of the purity of the motives which gave rise to the appointment which I have mentioned, or more willing to bear ample testimony to the excellence of various parts of Mr. Paley's work. Yet I am also persuaded that the principle assumed by Mr. Paley, as the criterion of moral duty, is open to fundamental objections of the utmost magnitude; and that many of his conclusions are not such as just reasoning would establish. As I shall hereafter state the general causes likely to facilitate the reception of any erroneous opinions maintained in the work in question, I shall at present only observe, that those opinions must operate with particular force, when apparently sanctioned by the approbation of one of our Universities; and with consequences particularly to be lamented, when instilled into persons of that age, in which the mind is easily impressed, and

liable

liable to acquire a lasting partiality for the principles which it imbibes.

It is not my intention to hold up to public notice every error into which I may imagine Mr. Paley to have fallen, nor to construct a complete system of morality. The former purpose would be uncandid, the latter presumptuous. After preparing my way by an examination of Mr. Paley's fundamental position, I shall endeavour to establish principles less exceptionable; and shall briefly apply them to the constitution of civil society. I shall also occasionally remark on such of Mr. Paley's conclusions as fall within my immediate plan, when they appear to me to be inaccurate, and to regard topics of importance. I am willing to believe that in the controversial remarks interspersed through the subsequent treatise, I shall not forget what is due to the very respectable author who is the subject of them; and to hope that the same considerations, which have led me to investigate

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gate the errors of others, will teach me to acknowledge with gratitude the detection of my own.

In prefixing my name to this publication, I cannot surely be suspected of entertaining a thought so preposterous, as that of inviting, in any respect whatever, a personal comparison of Mr. Paley and myself. The fact is, that a considerable portion of the following pages was written before I had the most distant idea of avowing them. Reflection, however, and the opinion of others, convinced me that it would be in vain to expect a short and anonymous performance to attract such a share of public attention, as to have a chance of counteracting in any degree the acknowledged sentiments of Mr. Paley; and that, by pursuing my original plan, I should at once ensure to this Treatise that total neglect and oblivion, to which a book authenticated by the signature of any individual is not usually consigned, until a fair trial has
been

been granted, and the sentence has been found to be deserved.

I cannot close this Preface without performing an act of Justice, and expressing how materially I have been indebted in many of the subsequent discussions to the important observations suggested by my excellent friend, Mr. Babington, of Rothley Temple.

*Yoxall Lodge,
March 27, 1789.*

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P A R T I.

EXAMINATION OF MR. PALEY'S FUNDAMENTAL PRINCIPLE OF MORALITY.

C H A P. I.

INTRODUCTORY REMARKS ON THE "ELEMENTS OF "MORAL AND POLITICAL PHILOSOPHY."

HE who offers his opinions to the world ought to be impelled by such motives as will vindicate him, to the satisfaction of candid minds, from the charge of unnecessary obtrusion. I have already noticed, in my preface, the general grounds on which I venture to solicit attention to my sentiments on subjects of morality. Those grounds it may now be proper more fully to explain.

Mr. Paley has obtained, and has in many respects deserved, a peculiar share of public favour. The selection of the most important

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topics for the exercise of his abilities ; the sedulous industry with which he has prosecuted his researches ; the spirit of benevolence and piety which pervades and animates his writings ; these are merits which entitle him to the distinguished regard of every friend of natural and revealed religion. Where shall we discover sounder or more pointed arguments than those by which many of his positions are enforced ? Where shall we look for models of elucidation more apposite than the examples by which those arguments are illustrated ? Where is the work, in which the intricacies of abstruse speculation are more constantly accommodated to practical utility ; and moral conclusions more happily applied to the incidents of common life ? Yet if into a work, recommended by so many and so powerful considerations, fundamental errors have been admitted ; if momentous conclusions rest on principles either false in themselves, or improperly applied, or insufficient to support all the inferences deduced from them ; the probable effects on the moral conduct of men cannot fail to be in a high degree extensive and pernicious. Every circumstance which, on the perusal of one chapter, spreads
a glow

a glow of approbation over the mind of the reader, contributes to prevent him from suspecting or discovering the mistakes in the next. Embracing, partly from the conviction of his reason, partly from his preconceived opinions of right and wrong, the conclusions presented to him, he no longer doubts, if he had doubted before, the truth of the propositions from which they are derived. Struck with the apparent purity of the stream, he forgets to examine the salubrity of the fountain from which it springs, and of the channels through which it is conveyed.

The style and arrangement adopted by former moralists, far from captivating the attention of the student, have too often taught him to consider ethical investigations as unalluring and distasteful. He found himself perplexed with intricate details pursued through innumerable subdivisions, and frequently disgusted with the uninteresting conclusion obtained by so laborious a process. In compliance with the prejudices, the indolence, and in many respects with the reasonable expectations of mankind, later writers have deviated from the track of their predecessors;

they have abandoned dry and unprofitable speculations; they have mitigated the rigour of scientific method by the elegance of flowing language; and enlivened the barrenness of strict demonstration by the graces of modest ornament. The intention was dictated by wisdom, and has been executed with ability. The labours of Mr. Paley, and of others who have adopted a similar plan, have obtained the applause, and have influenced the conduct, of numbers, who turned from former treatises on moral subjects with contempt and aversion.

While I contemplate with pleasure this more general diffusion of knowledge of the most important kind, may I not be permitted to remark that some of the causes, which have ensured to Mr. Paley's work such extensive popularity, would naturally lead the world to overlook the defects inherent in any principle, assumed by him as the ground-work of moral and political philosophy? And may I not add, that the principle which he has adopted is peculiarly calculated to captivate the generality of readers; while at the same time
many

many of his ^a observations and conclusions are such as tend to quiet the alarms of the rigid moralist?

The doctrine of general expediency, which affirms that utility is the sole measure of the rectitude or depravity of every action, and at the same time constitutes the agent the sole judge of that utility, will cheerfully be embraced by those whose indolence desires a rule of conduct easy to be retained, and of universal application; by those whose vague opinions and ill-governed passions are averse to absolute and immutable restraints; and by those whose mistaken liberality of sentiment suggests that a moral agent should in every case be permitted to determine for himself, unfettered by any dictates of revelation, what actions will promote on the whole his happiness or misery. Other causes, unconnected with these prejudices and errors, will concur in producing the same effect. The seeming piety of the idea, that the rule to which the conduct of the Almighty is conformable should be the standard of human actions, will

^a See Mr. Paley's remarks on general rules, and on perfect rights.

dazzle well-disposed minds. Persons of an opposite description, who may find it convenient to affect a sense of virtue, will gladly profess a principle which authorises them to depart at their own discretion from every received rule of morality, and thus affords them a plausible and never-failing defence for any measures which they choose to adopt.

Such is the alluring nature of Mr. Paley's general rule; and many of the inferences derived from it will accord with the reader's preconceived notions of morality. In the chapters to which I have already referred (not to particularize others) he is presented with conclusions bearing evident marks of truth and justice; and if he does not pause to consider how far they are consistent with the principle from which they are said to flow, and how far they are compatible with other parts of Mr. Paley's work, he will be persuaded that the duties which he has been used to regard as of absolute obligation continue no less indispensable under the rule of general expediency.

I apprehend, however, that the principle of expediency is not supported in Mr. Paley's

work by any proof which will stand the test of close examination ; that it is liable, in the hands of man, to such misapplication and perversion, that its general reception would apparently be most unfavourable to human happiness ; that it is totally incompatible with the precepts of scripture ; and that it never could be designed, nor can possibly be adopted, for the regulation of human conduct. In the following pages I shall endeavour to establish the validity of these assertions ; and, in the place of general expediency, to substitute and apply other principles, founded on reason, confirmed by revelation, and consequently not exposed to similar objections.

They, who are deeply convinced of the pernicious and indefinite effects of error, who are alarmed at the train of evils which would ensue if men were guided in their most important concerns by a principle destitute of foundation, will not deem it uninteresting to examine the validity of a doctrine, likely, from its own nature, to be so generally embraced ; and, from the mode of applying it, to be so little questioned. I am aware of the disadvantageous terms on which a writer,

unknown to the public, combats authority so powerful as that of Mr. Paley. Yet, whatever be the deference paid to names by the generality of mankind, an inquiry into subjects confessedly of the highest moment, we may hope, in this age and country, will be received with candid attention, not only without the concurrence of adventitious aid, but even in opposition to it. It cannot, at least, be apprehended that in our universities, consecrated to the investigation of truth, a prejudice, universally giving way, should fix its latest residence. “ We ^b appear astonished
 “ when we see the multitude led away by
 “ sounds; but we should remember that, if
 “ sounds work miracles, it is always upon
 “ ignorance. The influence of names is in
 “ exact proportion to the want of know-
 “ ledge.”

^b See Mr. Paley's preface.

C H A P. II.

STATEMENT, PROOF, AND APPLICATION OF THE PRINCIPLE OF GENERAL EXPEDIENCY ACCORDING TO MR. PALEY.

IT will be proper to lay before the reader a brief statement of Mr. Paley's fundamental propositions before I enter into an examination of their truth; and I shall leave them to make their full impress on his mind, reserving my objections to be unfolded in subsequent chapters.

After having shewn that those rules of life by which men are ordinarily governed, namely the law of honour, the law of the land, and the scriptures, do not supersede the study of ethics; the first being founded on caprice sometimes absurd, and frequently vicious; the second professedly omitting many duties, and tolerating many crimes; and the third not containing a specific determination of particular cases which continually occur; he directs his inquiries to the consideration of the moral sense.

sense. And, having ^a proved that its existence is problematical; that its dictates, admitting its existence, cannot now be distinguished from prejudices and habits, and can derive substantial weight only from resorting to ulterior sanctions; he asserts that resort may be had to these sanctions by a surer rule, and proceeds to develop the nature and the source of moral obligation. He states that ^b all obligation consists in being urged by a violent motive resulting from the command of another; and that moral obligation ^c implies the being impelled to perform certain actions, and to abstain from others, by the expectation of future rewards and punishments, resulting from the appointment of God. Hence he infers, that “to ^d inquire what is our duty, or “ what we are obliged to do, in any instance,

^a Though I have concurred in the general conclusions established in Mr. Paley's chapter on the moral sense, I must not be understood to acquiesce in every thing which that chapter contains. The observation that “perhaps no “maxims in morality can be assigned which are universally “true, and do not bend to circumstances,” will be the subject of future disquisition.

^b Page 57, Vol. I. Ed. 6th. 8vo. To this edition all subsequent references are made.

^c Page 59, Vol. I.

^d Page 62, Vol. I.

“ is,



“ is, in effect, to inquire what is the will of
“ God in that instance.”

The truth of the Christian religion having been pre-supposed, Mr. Paley then observes that “ there are two methods of coming at
“ the will of God on any point.”

“ First, By his express declarations, when
“ they are to be had; and which must
“ be sought for in scripture.”

“ Secondly, By what we can discover of
“ his designs and disposition from his
“ works; or, as we usually call it, the
“ light of Nature.”

On the presumption of the divine benevolence, a presumption which Mr. Paley afterwards confirms from a consideration of the constitution of nature, and which might have been shewn to be a fundamental principle of Christianity, he concludes that “ the method of coming at the will of God concerning any action, by the light of nature, is to

“ inquire into the tendency of that action to
 “ promote or diminish the general happiness.”

Whatever ^f is expedient he affirms to be right. But, in consequence of having shewn^s the necessity of all moral government being administered according to general rules, he subjoins, “ It ^h must be expedient, upon the
 “ whole, at the long run ; in all its effects
 “ collateral and remote, as well as in those
 “ which are immediate and direct ; as it is
 “ obvious that, in computing consequences,
 “ it makes no difference in what way, or at
 “ what distance, they ensue.”

Mr. Paley, having once established to his own satisfaction the principle of general expediency, in the manner which I have stated, applies it as the sole standard, not of those moral duties only concerning which the scriptures do not furnish him with sufficient information, but of all moral duties universally, of whatever nature, and however ascertained. “ The criterion ⁱ of right is utility.”

^f Page 70, Vol. I.

^h Page 78, Vol. I.

^s Page 74, Vol. I.

ⁱ Page 71, Vol. I.

“ *Whatever*

“ *Whatever*^k is expedient is right. It is the
 “ *utility of any moral rule alone* which con-
 “ stitutes the obligation of it.” And shortly
 afterwards Mr. Paley, describing himself as
 called upon to prove assassination, robbery, and
 perjury unlawful, instead of making, or leav-
 ing room for, a decisive appeal to scripture on
 the subject, replies, “ These^l actions are not
 “ useful; and for that reason, *and that alone*,
 “ are not right.” He further declares that
every moral rule is liable to be superseded in
 particular cases on the ground of expediency.
 “ Moral philosophy^m cannot pronounce that
 “ any rule of morality is so rigid as to bend
 “ to no exceptions; nor, on the other hand,
 “ can she comprise these exceptions within
 “ any previous description. She confesses
 “ that the obligation of every law depends
 “ upon its ultimate utility; that, this utility
 “ having a finite and determinate value,
 “ situations may be feigned, and consequently
 “ may possibly arise, in which the general
 “ tendency is outweighed by the enormity
 “ of the particular mischief;” and of course

^k P. 70, Vol. I.

^l P. 72, Vol. I.

^m P. 411, Vol. II.

when

when ultimate utility, and consequently the will of God, render it as much an act of duty to break the rule, as it is on other occasions to observe it.

But who shall judge of the expediency?
 “ Every ⁿ man,” he replies, “ for himself.”
 “ The ^o danger of error and abuse is no ob-
 “ jection to the rule of expediency, because
 “ every other rule is liable to the same or
 “ greater; and every rule that can be pro-
 “ pounded upon the subject (like all rules,
 “ which appeal to or bind the conscience)
 “ must in the application depend upon private
 “ judgement.”

This paragraph, in which the argument is couched in general terms, equally applicable to every case of expediency, contains the language and determination of Mr. Paley on the duty of civil submission or resistance: and it contains what must be his language and determination respecting every other moral duty, as he founds all on the same principle.

ⁿ P. 142, Vol. II.

^o P. 143, Vol. II.

The result of the statement contained in this chapter is, that, according to Mr. Paley's principle, a man is bound to the observance of each moral rule, as long as he thinks such observance generally expedient; that he is permitted, and even obliged in conscience, to disregard any rule, whenever in his opinion the violation of it will be attended on the whole with beneficial consequences; and that with respect to *every* moral rule cases may occur, in which expediency will *actually* require the violation to take place.

C H A P. III.

REFUTATION OF MR. PALEY'S PROOF OF HIS FUNDAMENTAL PRINCIPLE.

OUR first inquiry will naturally be whether the argument, by which Mr. Paley professes to prove the truth of the system stated in the preceding chapter, be found in all its parts. Should we find it to be so, all further discussion will be precluded.

Mr. Paley, after having shewn that the duty of man consists in obeying the will of God, reasons in the following manner: “ God ^a Almighty wills and wishes the happiness of his creatures; and consequently those actions which promote that will and wish must be agreeable to him; and the contrary.” He infers as a necessary conclusion from these premises that “ the ^b method of coming at the will of God concerning any action by the light of nature is, to inquire into the tendency of that

^a Paley, P. 65, Vol. I.

^b P. 65 and 70, Vol. I.

“ action

“ action to promote or diminish the general
“ happiness.”

The first step of Mr. Paley’s reasoning, that “ God wills and wishes the happiness of
“ his creatures,” if understood in the full latitude of the terms, demands our unconditional assent. We know that the divine Author of the universe is a being of unbounded benevolence. We know that a desire of promoting happiness, or in other words general expediency, extending to *all* created beings, is an unchangeable motive of his conduct.

The consequence deduced from the foregoing fact by Mr. Paley, that “ those actions
“ which promote that happiness must be
“ agreeable to him, and the contrary,” is also strictly true, if Mr. Paley be supposed to speak of actions in the abstract without any reference to the motives of the agent. The Almighty approves or disapproves of actions viewed in this light, accordingly as they further or impede his plan of universal good.

Mr. Paley’s inference from these positions is, that “ the method of coming at the will
C of

“ of God concerning any action by the light
 “ of nature is to inquire into the tendency
 “ of that action to promote or diminish the
 “ general happiness.”

This is certainly not a regular deduction : there is by no means a necessary connexion between the premises and the conclusion. Were the powers of the human intellect unlimited, and capable of deriving knowledge from *any* specified source, of drawing it forth from *every* secret repository in which it is stored, Mr. Paley's conclusion would be just. For, in that case, in order to indicate the method of obtaining knowledge of any kind, nothing more would be requisite than that the storehouse in which it is hidden should be specified. But human faculties being imperfect and circumscribed, no one can be said to have pointed out the method of acquiring the knowledge either of the will of God, or of any other subject, unless, after having shewn the source from which, abstractedly speaking, it is derivable, he prove, in the next place, that man has faculties enabling him to derive it from that source. Now on the latter head Mr. Paley is totally silent. He lays before us an undoubted abstract source of the knowledge of the

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will

will of God concerning human actions, namely, their tendency to promote or diminish the general happiness : but he makes not the smallest attempt to prove that our faculties are such as to enable us to derive this knowledge from the source in question. He contents himself with directing us “ to inquire,” when he should have proved us able to *discover*. This important chasm in his argument, entirely destroys the validity of his conclusion ; and, until it be supplied, his declaration that “ an inquiry into the tendency “ of actions to promote or diminish the general happiness,” (or, in other words, the rule of general expediency) “ is the method “ of coming at the will of God,” can be considered in no other light than in that of an assertion unsupported by proof.

The preceding remarks may be confirmed and illustrated by inquiring how far Mr. Paley’s mode of reasoning would be deemed admissible on other occasions.

When St. Paul’s cathedral was erected the architect willed and wished the excellence of the edifice. This position we will suppose

to be allowed. Consequently those proceedings of the workmen, which should promote that will and wish, must have been agreeable to him; and the contrary. Granted also. Therefore the method which it was right for the workmen, individually, to pursue, if they were at any time without specific instructions, in order to ascertain his will respecting any proceeding, was to inquire into the tendency of that proceeding to promote or diminish the excellence of the structure. If one of the masons had reasoned in this manner, and, in conformity to his rule, had commenced, at his own discretion, an arch in one place, and formed the rudiments of a dome in another; would his arguments have been acquitted of presumption, and accepted by the architect as a defence of his conduct? Would he have been allowed to be capable of ascertaining the will of Sir Christopher Wren from his own crude ideas of architectural expediency?

This example sufficiently shews how inconclusive Mr. Paley's mode of reasoning must have been pronounced, even if he had applied it in those cases only, with respect to
which

which we do not derive precise instructions from Revelation. But his argument will still more clearly appear to be altogether inadequate to the support of his rule, when we reflect that he holds up this rule as^c paramount to the directions which God has given to us in the Scriptures; as authorising every man to disobey the most positive divine commands whenever, in his opinion, the observance of them would, on the whole, be inexpedient. Let us recur to the instance by which I have already endeavoured to illustrate my argument. Let us suppose the mason not only to have commenced an arch and projected a dome without instructions, but to have done this contrary to his instructions; or to have pulled down an arch and a dome already finished, and making a part of the architect's plan. Let us farther suppose him to have vindicated his conduct by a repetition of his former defence, and to have continued his justification of himself in the words, *mutatis mutandis*, in which Mr. Paley pursues his reasoning at the commencement of his chapter on Utility;

^c See the extracts from Mr. Paley, in the latter part of the preceding chapter.

“ So then my proceedings are to be estimated
 “ by their *tendency*. *Whatever* is expedient
 “ is right. It is the utility *alone* of any
 “ one of your orders which constitutes the
 “ obligation of it.” ‘ You must allow too,’
 he would proceed, ‘ that every order is to
 ‘ be disregarded when utility requires ; that
 ‘ with respect to every ^d order such cases
 ‘ may occur ; and that every ^e man is to
 ‘ judge of them for himself. Consequently
 ‘ your directions respecting the arch and the
 ‘ dome appearing to me inexpedient, I was
 ‘ at liberty, and even obliged in conscience,
 ‘ to disobey them.’ Would the workman
 have been heard with patience ? Would his
 temerity have escaped a prison ?

The preceding observations evince that the
 proof which Mr. Paley alleges of his principle
 of general expediency is radically defective.
 This principle, therefore, together with the
 whole system built upon it, falls to the ground.
 It might indeed still be established, if its
 asserters (on whom the onus probandi un-
 deniably lies) were able to substitute valid

^d Paley, P. 411, Vol. II.

^e Paley, P. 142, Vol. II.

arguments in the place of those which have been shewn to be inadmissible. The object of some of the following chapters will be to shew that all endeavours to that purpose must be fruitless ; for as in this chapter sufficient evidence has been produced, that the rule of general expediency has not been proved to be true, in them it will be demonstrated to be false.

C H A P. IV.

ARGUMENTS FURNISHED BY MR. PALEY'S PRINCIPLE AGAINST ITSELF.

I SHALL consider in this chapter the nature and tendency of the rule of expediency; and investigate the effects which the general reception of it would apparently produce on the conduct and happiness of mankind.

After a perusal of the sentiments which I have expressed concerning the principle of general expediency, my readers will be aware that reasoning of the same kind with that to which I am now about to resort, would not have much weight with myself if it were urged *in support* of a rule of morality. For they must necessarily perceive, that to examine, what effects the admission of Mr. Paley's principle would produce on human happiness, is, in fact, to examine how far the admission of it would be generally expedient for mankind. Yet, on the present occasion, arguments of this nature are not only allowable, but important;

portant ; for though the result of the inquiry, were it to evince the probable utility of Mr. Paley's rule, would be insufficient to prove it true, yet a proof that its reception would be pernicious, would incontestibly prove it false ; since no principle can be true which is at irreconcilable variance with itself. If I shall afford ample grounds for apprehending Mr. Paley's rule to be a *felo de se*, to destroy itself by the inferences which may fairly be deduced from it, I shall have adduced an argument against it which may to some minds be the most conclusive of any which can be alleged ; and to all, the best preparation for an unbiassed reception of the reasoning contained in the two following chapters.

A moralist, possessed, like Mr. Paley, of a sound and penetrating understanding, actuated by a sincere reverence for the scriptures, a firm attachment to virtue, and a decided abhorrence of vice, must maintain, if he also concur in Mr. Paley's principle, that in certain possible cases he should deserve not merely pardon, but approbation, from his fellow-creatures, for actions which are usually deemed the blackest crimes. He must maintain

tain that circumstances ^a may arise which shall entitle him to the reward of everlasting glory at the judgment-seat of Christ, for his rapine, for his hypocrisy, for his perjuries, for his murders, for having betrayed his country, or abjured his God. He must maintain that his private opinion of future contingencies is the standard which alone establishes the meaning of the plainest precepts, and the obligation of the most positive injunctions, of the gospel.

From Mr. Paley's concessions it must be allowed that no one of the cases described is too extravagant to be verified by facts, or to be authorised by general expediency. But if his previous declarations would have permitted him to assert that no crime, such as those which I have specified, can ever be generally expedient, (an assertion which, on grounds very different from Mr. Paley's, may be firmly established) his principles would still supply a fundamental objection against themselves. For in estimating the consequences which would accrue to human happiness, from their general reception, they re-

^a Paley, P. 411, Vol. II.

quire us to take into the account not only those conclusions which are fairly deducible from them, but those also which we may reasonably suppose will be inferred, or represented as inferred, from them by a considerable part of mankind. Now they would fully justify a man in the commission of any one, or all, of the enormities which I have mentioned, provided he were *persuaded* of the general utility of his conduct, whether that persuasion were the result of reason, of prejudice, or of fanaticism. And surely it cannot be doubted that not only fanaticism and prejudice, but that reason herself would continually mislead him who should argue from Mr. Paley's principle, when it is considered that the premises, from which his conclusions are to be drawn, are as uncertain in their nature as they are unlimited in their number ; being mere conjectures respecting an endless train of future consequences.

We have already seen what would be the fruits of this doctrine when applied by a wise and virtuous moralist. What then would be its effects when applied by a man possessed of wisdom, but destitute of virtue ; or of virtue,
but

but destitute of wisdom ; or equally deficient in both ? Would it not be made to assume every form under the hand of artifice, and to countenance every practice under the control of passion and interest ? How would it be narrowed and contracted when submitted to the ignorance of the bulk of mankind, so little qualified to discover and appreciate even apparently obvious causes of utility, to foresee the more direct and immediate consequences of actions, and to comprehend the most simple of the designs of ^b Providence.

^b Mr. Hume, the original inventor of the rule of general expediency, not only admits these consequences, but has the address to represent them as arguments in favour of his system. Speaking on this subject, he says, (*Essays*, London, 1764, P. 298, note, Vol. II,) “ It is “ wisely ordained by nature, that private connexions should “ commonly prevail over universal views and considerations :” in other words, that a principal recommendation of the rule is the certainty that it will rarely be obeyed. Without concerning myself to inquire whether Mr. Hume has taken the most prudent method of defending his principle, I am glad to avail myself of his authority, in support of the fact, that the rule of general expediency, if admitted, would, from its very nature, be seldom observed in practice.

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In the light in which we are now contemplating the rule of general expediency we are to pay particular attention to the use likely to be made of it by princes and men in power, as their influence over the happiness of others is so extensive and so great.

Let us consider then, whether the admission of this rule would not be extremely favourable to despotism. A monarch is told that there is no such thing as right in opposition to general expediency; and he is also told that *he* is to judge of that expediency. He can scarcely meet with a principle more likely to mislead himself; nor need he wish for one more convenient when he is desirous of imposing upon others. If he be a good man, conscious of the purity of his views, and strongly impressed with a conviction of the blessings which would arise from the success of his plans, how easily will it vindicate to his own satisfaction any line of conduct which he may wish to pursue. If he be ambitious and designing, it will never fail to supply him with specious reasoning, with which he may dazzle or blind his subjects, and prevent them from opposing him with firmness and vigour.

Nor

Nor would this principle point more directly, or lead more rapidly, to civil than to religious slavery. When the matchless benefits of true faith, and the invaluable happiness of everlasting salvation, were pressed upon him, how often would an ^c upright monarch be persuaded that general expediency required him to abandon the heretic to the zeal of the misguided, but well-meaning, priest? And how much more frequently would the tyrant and the bigot defend upon this plea the preconcerted sacrifice of an obnoxious sect to their rapacity and pride?

A moderate knowledge of history will teach us that this reasoning is confirmed by

^c Mr. Paley allows (P. 328, Vol. II.) that, if such conclusions as these would follow from his principle, it must be given up. In fact the reader has seen that it must be given up, if it be probable that such conduct, as these conclusions profess to authorise, would generally follow from its reception. Mr. Paley states, in perfect conformity to his principles (P. 329), that it is lawful for the magistrate to interfere in the affairs of religion *whenever* his interference *appears to him* to conduce, by its general tendency, to the public happiness. Will not such an appearance continually present itself to the eye of ignorance, of policy, and of enthusiasm?

numerous

numerous facts. The principle of expediency has been alleged to justify successive invasions of the civil and religious rights of mankind, too palpably unjust to be vindicated on any other plea. Was it not alleged when the Albigenſes were devoted to the ſword ; when the fires of the Inquiſition were kindled ? Unhappily for the world, its influence has not declined in modern times. Was it not the foundation of the abominable doctrines of the Jeſuits, of their intriguing counſels as politicians, their unchriſtian compliances as miſſionaries ? Have we not recently heard it maintained to vindicate the actions of a neighbouring deſpotic^d monarch ; and thoſe of a ſubject frequently more deſpotic, the Weſt Indian planter ?

I have ſeleſted the foregoing examples of the probable effects of the reception of this

^d Since the former edition of this treatiſe was publiſhed ſuch events having taken place on the continent, as will probably prevent the epithet *deſpotic* from being characteristic of future kings of France. I ſincerely rejoice in the proſpect opened to the French ; and in the reflection, that improvements in civil polity naturally tend to introduce reformation in religion. And I truſt that the period is not far diſtant, when effectual relief will be enſured to the negroes in our colonies.

rule, as being capable, from their magnitude, of description and illustration. But perhaps I should be justified in affirming that the numberless train of evils which would spring from the same source, and infest private life, though singly not sufficiently prominent to be characterised, would collectively produce an aggregate of misery greater than all that could arise from the instances which I have produced.

Upon inquiry I believe it will be found that most systems of oppression have been justified, or palliated, on the principle laid down by Mr. Paley.

I anticipate the reply which an advocate for that principle would probably return to the observations contained in the present chapter. He would allege that all moral rules, since they depend in their exercise on private judgement, may be misconstrued and prevented; that a charge, which may be indiscriminately urged against every standard of morality, is not of itself sufficient to evince the falsehood of any; that I have taken for granted, rather than proved, that the rule proposed
by

by Mr. Paley is more difficult to be applied, and more liable to be abused, than other elementary principles of ethics.

Let us then briefly examine whether the principle of justice, which, antecedently to the publications of Mr. Hume and of Mr. Paley, was generally admitted, in argument at least, if not in practice, to be paramount to every other moral consideration, be exposed to equal danger of error and abuse in the application with the principle of utility.

Justice deduces her conclusions from premises which are always definite; and, commonly, few and simple. Utility must reason from premises avowedly subject to no limit; unless she can affix a bound to the number and to the extent of that series of consequences, which may arise from the actions respecting which she is to decide. Justice reasons wholly from facts; which are naturally capable of being ascertained. Utility argues from mere conjectures respecting contingencies; which are of course incapable of proof. Justice lays down a system of precise and unalterable rules. Utility confesses that

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he can frame “no rules without exceptions, “nor comprise those exceptions within any “previous description.” Let the candid reader judge, from this short comparative statement, whether the principle of justice or that of utility afford the greater latitude for error in speculation, as well as the more ample scope for abuse in practice.

Mr. Paley himself, in some parts of his work, particularly in his chapters on utility and on general rules, seems strongly impressed with a sense of the mischiefs which would ensue, if men were permitted to disobey the commands of justice whenever such conduct should appear to them expedient. His argument, in the passages to which I allude, coincides with mine in this chapter, and is incompatible with the admission of the principle which he recommends. A short extract will prove the truth of these assertions. Mr. Paley denies^e that an oppressor may be assassinated by any one who thinks him “better out of the way than in it ;” because “if you allow this excuse in the present in-

^e Paley, P. 73, Vol. I.

“ stance,

“ stance, you must allow it to all who act in the
 “ same manner, and from the same motive ;
 “ that is, you must allow every man to kill
 “ any one he meets whom he thinks noxious
 “ or useless ; which, in the event, would
 “ be to commit every man’s life and safety
 “ to the spleen, fury, and fanaticism of his
 “ neighbour ; a disposition of affairs which
 “ would soon fill the world with misery and
 “ confusion ; and, ere long, put an end to
 “ human society, if not to the human
 “ species.” Now, has not Mr. Paley, in these
 words, described and stigmatized his own
 principle ? Does not his doctrine of general
 expediency, which pronounces no moral rule
 to be free from exceptions, and authorises
 every man to perpetrate whatever *he conceives*
 to be useful, commit the property, the li-
 berty, and the life, of each individual to the
 spleen, fury, and fanaticism, of his neighbour ;
 and open wide a door to enormities subversive
 of social happiness, and destructive of man-
 kind ?

I will conclude these remarks with re-
 questing such of my readers as are inclined
 to adopt Mr. Paley’s principle, to take the

following questions into their serious consideration.

First; does it appear probable, a priori, that the Almighty would leave his creatures to the guidance of so vague and so dangerous a rule?

Secondly; if an unprejudiced person were to argue from general expediency alone, would not his first conclusion be, that this rule of conduct should not be adopted by men?

C H A P. V.

PROOF THAT MR. PALEY'S PRINCIPLE IS IRRECON-
CILEABLE WITH THE SCRIPTURES.

I AM in the next place to shew that the adoption of the rule of general expediency as the standard of morals, is absolutely incompatible with obedience to scripture.

I wish, however, previously to notice the tendency of that rule to impede the conversion of unbelievers.

It is evident, from the passages which I have already quoted from Mr. Paley's work, as well as from its general tenor, that he maintains utility, of which every man is to judge for himself, to be the only infallible test and criterion of the Divine will. If an infidel then were seriously to investigate the truth of Christianity, he ought, in the first place, to fix his attention on the determination of this fundamental point, whether the reception of the gospel would or would not,

in his opinion, promote the general happiness of mankind. If he should decide in the affirmative, he must consider all further evidence useless; as being of a far inferior nature, and able to add nothing to the conviction already produced by the decisive testimony of general expediency: and he would continue a Christian, unless, by entangling himself in the labyrinth of remote contingencies, he should think that he discovered greater expediency in some other system; the whole or the *more expedient* parts of which he would then be bound to adopt. But what if he should determine in the negative? Unbelievers^a in general profess thus

^a Warburton, in his *Alliance between Church and State*, (4th edition, P. 78, note) affirms, that Bayle, Collins, Tindal, Bolingbroke, and *all* the other writers against Revelation, except Hobbes, laboured to shew the Gospel-system to be in the highest degree unreasonable. A reference to Leland's account of deistical writers will shew that by the term "unreasonable" Warburton did mean, or might fairly have meant, inexpedient. He also quotes (*Alliance*, P. 250) some expressions from Rousseau, which sufficiently indicate that author's opinion: "Christianity preaches up nothing but slavery and dependance. The spirit of it is too favourable to tyranny for her not always to take the advantage of it. True Christians are made to be slaves, &c." To these names that of a celebrated living historian may be added.

to determine ; and Mr. Hume, in the latter sections of his Inquiry into the Natural History of Religion, gives on this very ground no obscure preference even to polytheism. He must, without hesitation, pronounce our religion an imposture, although he were to be convinced that all the various testimonies, on which its truth is usually rested by Christians, are singly and collectively irrefragable. That the gospel promises to mankind the greatest of all blessings, and blessings which fully accord with our ideas of its divine original, no unprejudiced man, who understands it, will hesitate to maintain. But he is far from doing justice to the cause of Christianity, who represents its apparent expediency as the *only* evidence in its favour deserving of consideration ; or who inculcates a doctrine, from which that conclusion must necessarily be deduced.

I will now proceed to the immediate object of the present chapter.

Though Mr. Paley professes to derive his principle from the will of God, he has not in any part of his work attempted to prove its

conformity with the only direct revelation of the Divine will at present extant among mankind. This omission does not make it the less necessary for his readers to bring his rule to the test of holy writ. And they will be induced to attend to this trial with suspicious care, when they reflect, that the ^b very cri-

^b Though Mr. Paley and Mr. Hume agree in assuming utility, estimated by general tendencies, as the standard of morals, they differ essentially with respect to the source from which they derive that principle, and the sanctions on which they ground the obligation of conforming to it. Mr. Paley considers the rule of general expediency as *flowing from the will of God*; and as *enforced by the certain prospect of rewards and punishments in a future life*. Mr. Hume represents it as *suggested by nature*; and has no inducements to offer in its favour, besides *the present consequences of adopting or disregarding it*. Those who have learnt, from the conduct of others and from their own, how frequently the glories and the terrors of another world fail to ensure obedience to the revealed declarations of the will of God, will judge what might be expected from a *suggestion of nature*, sanctioned by mere *temporal* motives, when opposed to the selfishness and passions of men; and will be convinced that whatever be the true principles of morality, the observance of them can be secured by no ties less powerful than those of the gospel.

It would have been uncandid towards Mr. Paley not to have noticed the above-mentioned difference between himself and Mr. Hume; though it is a difference which does not affect my present argument.

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terion of morality, recommended by Mr. Paley, has been employed by the eminent historian whom I have already named in a palpable attack on Christianity. Though the principle of utility ought not to be condemned merely because it has been an instrument for the support of scepticism and infidelity in the hands of a Hume, yet this circumstance naturally raises apprehensions, which even the authority of a Paley ought not to silence, and loudly demands the inquiry on which we are about to enter.

The first consideration which will strike an attentive mind is the total silence of the Old and New Testament on the subject of general expediency. In no part^c whatever of
 holy

^c The direction "to do good unto all men" will scarcely be alleged as a scriptural proof of Mr. Paley's principle. It neither commands nor exhorts us, in doing good, to follow our ideas of general expediency. It simply points out a duty to be performed; and leaves us to collect, from other quarters, the manner in which the injunction is to be obeyed. So likewise the precept, "Love is the fulfilling of the Law," has no reference to the subject of the present inquiry. It teaches us that benevolence is to be exercised on every proper occasion;
 but

holy writ are we directed to frame our conduct in obedience to this rule. The instructions therein contained are, like the duties which they enforce, of two kinds ; some are precise and absolute, as the injunctions prohibiting idolatry, perjury, and various crimes ; others, equally obligatory, are indeterminate, as the precepts enjoining reverence of parents and charity to the poor. With regard to the performance of duties of the first class no scope is given for the exercise of human discretion, no deviation allowed from a consideration of the consequences of obeying ; man is peremptorily commanded to abstain from the forbidden act. As to the others, though, in general, we are left to judge of the manner in which they are to be discharged, yet it is by no means intimated in Scripture, that our determination is to be governed by the principle stated by Mr. Paley : and it will hereafter be shewn, on grounds of natural

but it does not intimate, that we may shew our love for one man by infringing the rights of another, if such a step should be suggested by our conceptions of utility. Similar reasoning would shew, that no argument in favour of general expediency could be drawn from the scriptural rule, “ to do every thing for the glory of God.”

reason,

reason, that this cannot have been in any case intended by our Maker.

The silence of the scriptures is not the only nor the strongest reason we have for concluding that Mr. Paley's principle is inconsistent with Christianity. Revelation admits of no agreement or parley with a doctrine utterly subversive of the spirit and obligation of her precepts. The statement of Mr. Paley's positions, which I have given in the second chapter, together with some of the remarks made upon them in the fourth, affords incontestible proof that, in his opinion, there is no command in holy writ, however plainly expressed, however forcibly inculcated, which a man is not permitted, which he is not bound, to violate whenever his blindness, his interest, his frenzy, induce him to imagine that the violation will ultimately be productive of advantage. Every man is thus invested with an unlimited dispensing power, authorising him to take the government out of the hands of God, and to decide when his laws are proper, and when they are not proper, to be obeyed. Such a dispensing power has not hitherto been admitted

mitted among Protestants ; and it is as little to be tolerated, and as little to be justified, on the plea of general expediency as on that of infallibility.

Mr. Paley observes concerning honour what he might, with no less truth, have affirmed of general expediency, that, “ if its
 “ unauthorised laws^d be allowed to create ex-
 “ ceptions to divine prohibitions, there is an
 “ end of all morality, as founded on the will
 “ of the Deity ; and the obligation of every
 “ duty may at one time or other be dis-
 “ charged by the caprice and fluctuation of
 “ fashion,” and, it may be added, by the sug-
 gestions of selfish ignorance.

It may not be useless to produce one of the instances in Mr. Paley’s work, in which an adherence to his principle has led him to conclusions at variance with the scriptures.

In his chapter entitled “ The Consideration of General Consequences pursued,” we meet with the following lines: “ From the

^d P. 273, Vol. I.

^e P. 81, Vol. I.

“ principles

“ principles delivered in this and the two
 “ preceding chapters, a maxim may be ex-
 “ plained, which is in every man’s mouth,
 “ and in most men’s, without meaning, viz.
 “ *not to do evil that good may come*—that is,
 “ let us not violate a general rule for the sake
 “ of any *particular* good consequences we
 “ may expect—which is *for the most part* a
 “ salutary *caution*, the advantage *seldom* com-
 “ pensating for the violation of the rule.”

This explanation of the precept is no less
 circumscribed than the permission of discre-
 tional exceptions is unauthorised. When St.
 Paul rejects totally, and with abhorrence, the
 doctrine of doing evil that good may come,
 and affirms of those who falsely imputed it to
 him, that their condemnation is just; on
 what scriptural grounds can the precept in
 question be called by so light a name as a cau-
 tion? On what scriptural grounds can it be
 inferred, that the opinion which we may en-
 tertain of future consequences, whether par-
 ticular or general, will in any case absolve us
 from obedience? Let the reader fairly put a
 case to himself: let him suppose that it were
 in his power to obtain the management of a
 great

great empire by means of perfidy and murder; and that he were persuaded that the consequences of his taking those previous steps would be on the whole beneficial to mankind. Would he then take them? Would he listen to the tempter who suggests to him, “All ^f these things will I give thee if thou wilt fall down and worship me?”

The asserter of Mr. Paley’s system maintains that he ought.

“Nay ^g but, O man, who art thou that repliest against God?”

The utmost which Mr. Paley’s principle will allow him to affirm of the clearest and strongest injunctions of scripture, even of those which command us to worship God and to love him, to abstain from idolatry, from fraud, and from oppression, is, that they are “*for the most part salutary cautions, the advantage seldom compensating for the violation of the rule.*” In his opinion times and cases may occur, of which every

^f Matt. iv. 9. ^g Rom. ix. 20.

man is to judge for himself, when the advantage will preponderate. For “no rule^h of
 “morality is so rigid as to bend to no excep-
 “tions; the obligation of *every* law depends
 “on its utility; and this utility having a
 “finite and determinate value, situations may
 “arise in which the general tendency is out-
 “weighed by the enormity of the particular
 “mischief.” I am not surprised, that Mr. Paley should deduce this inference from his opinion respecting general expediency; for the former is the natural and necessary consequence of the latter. Yet I cannot but wonder that a religious and considerate mind, on arriving at this conclusion, did not instantly revolt from the principle from which it flows.

^h P. 411, Vol. II.

C H A P. VI.

DEMONSTRATIVE REFUTATION OF MR. PALEY'S
PRINCIPLE FROM NATURAL REASON.

A former chapter was employed in pointing out the insufficiency of the proof by which Mr. Paley endeavours to support his proposed rule of general expediency. My readers may recollect that the circumstance fatal to his argument, was his not having shewn, nor even attempted to shew, that man has faculties capable of discovering what is generally expedient. It is my present purpose to evince that the deficient link in the chain of his reasoning can never be supplied.

Mr. Paley having stated, as we have already seen, that the Almighty makes the ultimate happiness of his creatures the rule of his conduct, (a position which is incontrovertible, if the terms of it be understood in their full extent,) immediately proposes this general plan of Providence as the invariable object of our imitation ; as the supreme standard,

dard, by which we are to regulate all our actions.

But are we to assume, as a self-evident proposition, that the path marked by the steps of Omnipotence is the track in which weakness and frailty are to tread? Does it admit of no doubt, whether the principle which gives birth to the decrees of eternal wisdom be the ground on which short-sighted ignorance may best found its conclusions? Does the infinite distance between the Creator and the created afford no room for apprehension that the endless chain of causes and effects, however naked and open to the sight of God, may be involved in clouds and darkness impenetrable to the eye of man?

On another occasion Mr. Paley shews himself sufficiently aware, that the general rule by which the dispensations of the Almighty are directed cannot be adopted as the guide of human actions. In his chapter on crimes and punishments, after stating that the object of the Deity in the infliction of the latter is exactly to proportion the degree of pain to the guilt of the offender, and that of men, merely

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to prevent crimes, without regard to any such proportion; he remarks, that “^a it is
 “ natural to demand the reason why a diffe-
 “ rent measure of punishment should be ex-
 “ pected from God, and observed by man;
 “ why that rule, which befits the absolute
 “ and perfect justice of the Deity, should not
 “ be the rule which ought to be pursued and
 “ imitated by human laws. The solution of
 “ this difficulty must be sought for *in those*
 “ *peculiar attributes of the divine nature,*
 “ which distinguish the dispensations of su-
 “ preme wisdom from the proceedings of hu-
 “ man judicature. A Being, whose know-
 “ ledge penetrates every concealment; from
 “ the operation of whose will no art or flight
 “ can escape; and in whose hands punish-
 “ ment is sure; such a Being may conduct
 “ the moral government of his creation, in
 “ the best and wisest manner, by pronouncing
 “ a law that every crime shall finally receive
 “ a punishment proportioned to the guilt
 “ which it contains, abstracted from any fo-
 “ reign consideration whatever; and may
 “ testify his veracity to the spectators of his

^a P. 273, Vol. II.

“ judgements,

“ judgements, by carrying this law into strict
 “ execution. But, when the care of the
 “ public safety is intrusted to men, whose
 “ authority over their fellow-creatures is li-
 “ mited by defects of power and knowledge;
 “ from whose utmost vigilance and sagacity
 “ the greatest offenders often lie hid; whose
 “ wisest precautions and speediest pursuit may
 “ be eluded by artifice or concealment; *a dif-*
 “ *ferent necessity, a new rule, of proceeding*
 “ *results from the very imperfection of their*
 “ *faculties.*”

Now the divine rule of inflicting punish-
 ments comes recommended to us by the same
 sanction on which the rule of general expe-
 diency is proposed; namely, by the conduct
 of the Almighty. Had Mr. Paley employed
 with respect to the latter, the same train of
 reasoning which he has adopted concerning
 the former, he could scarcely have failed to
 discern that the imperfection of our faculties,
 compared with the peculiar attributes of the
 divine nature, proves the same necessity for a
 different rule of human actions in the one
 case as in the other.

From the very principle of divine benevolence, on which Mr. Paley attempts to found his doctrine of general expediency, we must be convinced that our Maker would never subject his creatures to a rule, which it is impossible for them to apply, and consequently to obey. A moment's reflection must teach us, that such is the rule^b proposed by Mr. Paley. General expediency is an instrument not to be wielded by a mortal hand. The nature of general consequences is too comprehensive to be embraced by human understanding, too dark to be penetrated by human discernment. In contemplating an action, who can form any adequate judgement of its collateral and remote effects making unceasing approaches towards infinity and eternity? Yet (as Mr. Paley^c observes), “in computing consequences, it makes no dif-

^b “By presuming to determine what is fit and what is beneficial, they presuppose more knowledge of the universal system than man has attained; and therefore depend upon principles too complicated and extensive for our comprehension; and there can be no security in the consequence when the premises are not understood.”

Dr. Johnson's Journey to the Western Isles, p. 253.

^c P. 78, Vol. I.

“ference

“ference in what way or at what distance
 “they ensue.” In instances the most level
 to our capacities we perceive no more than a
 part of the effects which may result from our
 conduct; a part perhaps which, in point either
 of extent or importance, bears no assignable
 proportion to that which remains unseen. A
 faint glimpse of *particular* expediency is all
 that can ever be attained by the wisest of
 men. A view of general utility is the pro-
 perty of God alone; in him alone it is inhe-
 rent; to created beings it may be incommu-
 nicable: but, whether communicable or not,
 it can never be the foundation of a rule of
 conduct to those on whom it has not been
 bestowed. A proof that general good is
 highly difficult of investigation would have
 rendered it improbable that mankind should,
 in all cases, be required to consult it: a proof
 that it is never to be discerned demonstrates
 the impossibility of their being required to
 consult it in any.

The description which Mr. Paley ^d gives of
 his own rule well deserves our attention. He

^d P. 412, Vol. II.

says, after having represented the duties of states as much more difficult to be discovered than those of private men, that “it is impossible to ascertain every duty of individuals by an immediate reference to public utility,” for this reason among others, “because such reference is oftentimes too remote for the direction of private consciences.” Yet a reference to public, or, as it is elsewhere called, general utility is the rule by which alone Mr. Paley maintains that the conscience of every man in every instance is to be directed. Had Mr. Paley said, that such a reference is *always* too remote to ascertain *any* duty of an individual, or of a nation, he would have given an accurate description of his rule; and a description which would at once have shewn it to be such a rule as Providence can never have designed to be consulted by man.

But perhaps it will be said that I have been combating a phantom raised by myself; that Mr. Paley by no means intended to affirm that our moral conduct is to be guided by an actual view of general expediency in this comprehensive sense, that view being confessedly

edly beyond the reach of our faculties; but that our actions are to be regulated by what appears to us to be expedient, as far as we can discern their probable consequences.

Such an explanation affords no support to Mr. Paley's system. It is a confession that we are to look not to *general* expediency, but to an expediency extending, as we imagine, to the few, and perhaps unimportant, consequences which we can distinguish; in other words, to *particular* expediency, and that of a most limited kind.

It will not be difficult to direct the reader's attention to a few conclusive arguments, which will demonstrate the inadmissibility of this rule of particular expediency. Let us, however, previously inquire whether it appears to be a rule, the observance of which would best enable us to promote the divine plan of universal good; and whether the duty of observing it can be established on that foundation, on which Mr. Paley's reasoning in support of his principle avowedly rests.

In the first place, Does the rule under consideration appear to be such, as would most effectually enable us to promote the divine plan of universal good? Is the degree of expediency, which we can discern, in any case such as to justify us in inferring that we have a tolerable insight into general expediency? Surely no one will answer in the affirmative. As well might an Abyssinian pretend to delineate the whole course of the Nile, in consequence of having traced the windings of the infant river for a few miles contiguous to his hut. As well might a fisherman infer, that his line, which has reached the bottom of the creek in which he exercises his trade, is capable of fathoming the depths of the Atlantic. He, who best knows how few are the consequences which he can foresee, compared with those which are wrapped in obscurity, will be the most ready to confess his ignorance of the universal effects of his actions.

If this argument wanted confirmation, it might receive it from a view of the moral, to say nothing of the natural, government of the world. Even though we are previously
convinced

convinced that the great object of the Almighty is the happiness of his creatures, in numerous instances we see very imperfectly how the detail of his operations conduces to the end which he has in view. Sometimes presumptuous ignorance would lead us to imagine that we perceive circumstances which militate against it, as the permission of moral evil; others wherein there is an appearance of imperfection, as in the late establishment and partial diffusion of Christianity; and numbers which seem indifferent to the design proposed, or neither fully nor directly to conduce to it. If then we are so far from discovering the propriety and excellence of the parts of a system, which we are certain is framed in exact conformity to the standard of general expediency, we may be convinced how little our utmost sagacity can discover of the ultimate tendency and effects of our conduct; we may be assured that we are wholly unqualified to determine whether those actions, which seem to further the particular expediency within the reach of our foresight, would or would not conduce to general good; that the limited knowledge of expediency attainable by the wisest of men is
 unfit

unfit to be adopted as the basis of moral rectitude; and that, if it were adopted, we should very frequently be acting in direct opposition to the will of God, at the time when ^e we had fondly persuaded ourselves that we were most strenuously employed in promoting it.

In the next place, Can the duty of obeying the rule in question be in any degree fixed on the foundation, upon which Mr. Paley's argument in behalf of his principle avowedly rests; that is to say, on the will of the Almighty evinced by his conduct? Undoubtedly it cannot. Our knowledge of the attributes of the Deity enables us to assert his universal benevolence; but our experience of his dispensations by no means permits us to affirm that he always thinks fit to act in such a manner as is productive of particular expediency; much less to conclude that he wills us always to act in such a manner as we suppose would be productive of it. This truth appears sufficiently plain from what has been recently stated: but here revelation comes to the aid

^e This has particularly been the case with religious persecutors, but by no means with them alone.

of reason, and precludes all further argument on this subject. The Jewish Scriptures abound with instances of particular evils brought, as it is therein declared, by the hand of the Almighty on individuals and on nations for their ultimate benefit. And the Gospel instructs us that our heavenly Father has not adopted a different conduct under the Christian dispensation. We know that he wishes the happiness of each individual; yet how often does he inflict on his faithful servant a particular calamity, the disappointment of promising hopes, bodily distempers, mental disability? Who would think himself authorised by his views of expediency in inflicting these, or similar calamities? But in the hands of the Almighty occasional evil is frequently employed, how frequently we know not, as an instrument of producing general good: as the drug, which in its own nature contains a deadly poison, under the management of the skilful physician becomes a salutary remedy. General good we can affirm to be the uniform object of the divine conduct; particular good we can discern *not* to be that object. Consequently, whatever reason we might have for conceiving that we should be bound by the
will

will of God to an invariable pursuit of the former object, if we were able to discern it; we can have none for concluding that he wills the latter to be the fixed criterion of our moral conduct.

It appears then that the rule of particular expediency would be far from assisting our endeavours to promote the divine plan of universal good; and that it cannot derive support from any reasoning produced by Mr. Paley in behalf of the principle which he recommends. If it be necessary to encounter a rule, equally unattractive and defenceless, with a plain and direct refutation, the reader is referred to the arguments which have been urged in the fourth and fifth chapters against the rule of general expediency. Every one of those arguments applies with the same force against the one principle as against the other; for both principles appear equally calculated to fill the world with oppression and misery, instead of answering their professed purpose of promoting universal happiness; and equally authorise men to transgress every command of revelation at their discretion.

The

The remarks contained in the present and the three preceding chapters have finally brought us to these conclusions.

The principle of morals assumed by Mr. Paley, whether that principle be general or particular expediency, is totally devoid of proof. The conduct of the Almighty affords us no ground for inferring that he wills us to regulate our actions by the one or by the other. Reason rejects the former as totally inapplicable by man; and each of them as leading to consequences subversive of itself. And revelation forbids us to listen to doctrines, either of which arms every man with unlimited authority to violate at his discretion her most sacred laws.

P A R T II.

GENERAL RIGHTS AND OBLIGATIONS OF MEN, DEDUCED FROM REASON AND RE- VELATION.

C H A P. I.

PRELIMINARY REMARKS ON THE GROUNDS FROM WHICH THE PRINCIPLES OF HUMAN CONDUCT ARE TO BE DERIVED BY NATURAL REASON — STATE- MENT OF CERTAIN PRINCIPLES.

It has been demonstrated in the former part of this treatise that general expediency is not the principle from which reason is to deduce moral conclusions; and the question immediately arises, On what grounds is she to proceed?

Before I reply to this question, I must remark that, whatever may be the number or the magnitude of the errors contained in the

answer which I shall give, they cannot in any degree affect the validity of the foregoing refutation of the rule of general expediency. That rule, I apprehend, has been proved to be inadmissible through its own radical and incurable defects. It cannot, therefore, derive support from the real or supposed mistakes in any other system; for what has thus been demonstrated to be false can never, by any mode of comparative reasoning, be rendered true. So that, however dissatisfied my readers may be with the fundamental principles of morality, which I shall lay before them, that circumstance will afford them no solid ground for recurring to the standard proposed by Mr. Paley. In that case they will do well to reject the one and the other, and look elsewhere for a safer guide.

A recollection of the erroneous and fatal inferences, which we have seen would naturally be derived from a principle lost in remoteness and obscurity, will materially contribute to facilitate our moral researches. It will convince us that the utility of the premises, from which rules of life are to be drawn, depends on their not taking their rise
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from too high a source, and on their being accommodated, as much as may be, to the general level of human capacity. From a view then of the situation and nature of man; a being placed on this earth by his Maker, endowed with peculiar gifts, and accountable for the use of them; the Divine will, respecting his conduct, may, I apprehend, be collected in several fundamental points; and a number of rules be deduced of easy application, and adequate to the purpose of directing his steps in every case on which the gospel is silent. These rules will not only appear to be sanctioned by the uniform tenor of revelation, but in return will support and corroborate the injunctions of holy writ.

Mr. Paley having remarked that the will of God, the invariable standard of our conduct, is, in the first place, to be sought in scripture; (a preeminence which the reader will remember Scripture does not maintain in that author's application of his principle;) and, if it cannot be discovered therein, is, in the next place, to be collected from general expediency; illustrates his observations by the following instance.

“ An

“ * An ambaffador, judging by what he
 “ knows of his fovereign’s difpofition, and
 “ arguing from what he has obferved of his
 “ conduct, or is acquainted with of his de-
 “ figns, may take his meafures, in many
 “ cafes, with fafety; and prefume with great
 “ probability how his mafter would have
 “ him act on moft occafions that arife: but,
 “ if he have his commiffion and inftructions
 “ in his pocket, it would be ftrange not to
 “ look into them. He will naturally con-
 “ duct himfelf by both rules: when his in-
 “ ftructions are clear and pofitive, there is an
 “ end of all further deliberation (unlefs, in-
 “ deed, he fufpect their authenticity): where
 “ his inftructions are filent or dubious, he
 “ will endeavour to fupply or explain them
 “ by what he has been able to collect from
 “ other quarters of his mafter’s general in-
 “ clination or intentions.”

Where the ambaffador’s inftructions are clear, without doubt he will implicitly obey them: but where they are filent, or afford ambiguous light, he is not to fubftitute in their place his own ideas of what may be generally

* P. 63, Vol. I.

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expedient

expedient for his country. He knows that his master's uniform design is to promote the general good of the empire; that design he is bound to further, but not by immediately taking upon himself to judge what proceedings will be most beneficial. He revolves in his mind all those particular circumstances, which afford a prospect of supplying the deficiency of his instructions, by giving him precise indications of his sovereign's will, and consequently of the line of conduct which he ought to adopt. He reflects that his master has uniformly opposed the opening of this port, the imposition of this duty, the repair of that fortress. To these points, though omitted in his instructions, and to all points clearly analogous to them, he rigidly adheres; perhaps he discerns them to be, on the whole, expedient for the empire; but, if he is unable to discover them to be so, if he imagines that he sees some appearance of the contrary, his conscience obliges him uniformly to insist upon propositions which his reason tells him are enjoyed by the will of his sovereign.

When a Christian, in any particular instance, finds himself incapable of deriving

clear instructions from his gospel, let him not extend his view to a subject, which is incontestably beyond the reach of his faculties, and can, perhaps, be contemplated only by an infinite mind. Let him, like the ambassador, consider his own peculiar situation; let him endeavour to collect the will of his sovereign on some specific and fundamental points; and, from the result of his inquiry, deduce subordinate rules for the direction of his conduct. There is another circumstance to be taken into the account: the ambassador may conceive that his master is mistaken; the Christian will not deem the same of his.

Research into the original rights and obligations of unconnected individuals must necessarily precede all inquiries into the civil duties of men when united in society. For the only objects, the disposal and arrangement of which can be claimed by any society, are the respective rights of its several members. The materials, therefore, must be collected before the fabric can be raised.

A reference to these rights and obligations must also regulate the conduct of the members

bers of the same society towards each other, in all cases, when the laws of the society do not give precise directions.

And a similar reference must govern the behaviour of men towards all individuals not belonging to their own society, nor connected with it by any express or implied engagements.

I shall, therefore, in the first place, investigate, by a reference to natural reason alone, the primitive rights and obligations of mankind. And after having, in the next place, shewn that my conclusions fully accord with the general tenor of Revelation, I shall finally point out the principle, on which these rights and obligations may be suspended or modified in consequence of the institution of civil society.

In pursuance of this plan I shall begin with endeavouring to prove the truth of the following propositions.

- I. Every man has originally a right, by the gift of God, to the unrestrained enjoyment

ment of life and personal freedom ; and to such a portion of the unappropriated productions of the earth as is necessary for his comfortable subsistence.

II. He, therefore, who deprives another of these gifts, or restrains him in the enjoyment of them, except such deprivation or restraint is sanctioned by divine authority, is guilty of an act of injustice to the individual, and of a sin against God.

III. Every man originally has authority from God to deprive another of these gifts, or to restrain him in the enjoyment of them in the following cases, and in those only :

1st, When in so doing he act according to the express command of God.

2dly, When he proceeds in such deprivation and restraint so far, and so far only, as is necessary for the defence of the gifts of God to himself, or in defence of the gifts of God to those

whom he is bound by natural ties to protect, or those by whom his aid is solicited, against attacks unauthorised by God.

3dly, When he proceeds to such deprivation or restraint in consequence of the consent of the individual suffering it.

IV. Every man sins against God who does not act in such a manner with respect to the use, defence, and disposal, of his rights, which have been established in the preceding propositions, as he is of opinion will, on the whole, fulfil most effectually the purposes of his being.

If these propositions shall be satisfactorily established, they will be found to settle on solid and determinate grounds the obligations of justice in all its branches ; and to afford a clear insight into the distinguishing characteristics of what moralists have usually styled perfect and imperfect rights.

C H A P. II.

THE FIRST AND SECOND PROPOSITIONS PROVED.

THE first proposition to be proved is, that
 “ every man has originally a right, by the
 gift of God, to the unrestrained enjoyment of
 life and personal freedom ; and to such a por-
 tion of the unappropriated productions of the
 earth as is necessary for his comfortable sub-
 sistence.”

By the terms personal freedom, I must
 always be understood to mean freedom from
 personal injury as well as from personal re-
 straint.

By a right, I mean authority from God for
 the enjoyment of any particular thing, or
 for the performance of any particular action.

I shall also occasionally use the term right,
 after the example of others, to signify what

in strict propriety is the object of a right; as when it is said that life is one of the rights of man,

Under the expression natural rights, those rights which every individual possesses independently of the institutions of civil society will hereafter be comprehended.

That duty which consists in abstaining from infringing the actual rights of others, I shall denote by the term Justice,

Independently of any social engagement with others of his species, every man finds himself possessed of existence, of various bodily powers and mental faculties. As he cannot but discover the impossibility of his having been the author of his own existence and endowments, he must become convinced that these blessings are the gifts of a gracious Being, to whose power he can affix no limit. He may therefore be assured that he has a right to the undisturbed enjoyment of them as long as it shall seem meet to God who bestowed them. As the wisdom apparent in the visible constitution of nature forbids him
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to think that the Deity would exert his power in vain, and lavish his bounty without having an adequate end in view, he may reasonably conclude that whatever has been conferred on himself has been conferred for important purposes. When he casts his eyes around on the rest of his species, he perceives that every individual is placed in the same general situation, each possessed of life and various powers, the gifts of the same God, for purposes equally important. The same reasoning therefore may be applied in favour of their rights as in favour of his own; and, if he applies it, he must discover it to be his duty not to incur the guilt of disobedience in the eyes of an Almighty Benefactor, and the punishment attending his displeasure, by an uncommisioned encroachment on his gifts to others; he must know that he has no authority to interrupt any of his fellow-creatures in accomplishing those purposes, whatever they may be, for which their common Maker called them into being.

He discovers, further, that he is in danger of speedily losing all these gifts, unless he takes proper measures for their preservation.

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The natural want of food, and the presence of fruits capable of supplying it, afford him sufficient grounds for concluding that these fruits were formed for the support of his life, and that he has a right to apply them to the use for which they were evidently intended by the will of God. And in general, perceiving how admirably different parts of the inanimate creation (which, being incapable of sensation, must be incapable of injury) answer his purposes, he may very reasonably infer that God designed them for the use of man; and may take in consequence whatever he finds necessary, whether it be for food, for raiment, for shelter, or defence. He observes too that the rest of mankind have the same wants with himself, and the same title to the objects by which they are to be removed. From these reflections he may justly determine, that the fruit which any individual has plucked from the bough and the tree which he has felled in the forest, are especial gifts of God to that individual; and consequently that neither has he himself any more right to interrupt another, nor another to interrupt him, in the quiet enjoyment of these or any similar gifts, than either of them would have to disturb

disturb the other in the possession of life or freedom^a.

I have said that a man in a state of nature *might* arrive at a knowledge of his duty by the foregoing train of reasoning. Whether he *would* thus attain the whole of that knowledge, whether all these several arguments and conclusions (though universally within the reach of his faculties, and many of them extremely obvious) would in reality suggest themselves to his mind, is a point not materially connected with the present inquiry. The object of our investigation is not to discover what principles he would be likely to adopt, but what principles he ought to adopt. An acquaintance with the former might shew what his conduct probably would be ; a know-

^a If the foregoing observations do not prove (besides their professed object) that reason might convince mankind not only of the existence and superintending care of the Deity, but ultimately of the certainty of future rewards and punishments, I must be understood for the present to take those points for granted ; as I fully agree with Mr. Paley that such a conviction is the only adequate ground of moral obligation.

ledge of the latter is the indispensable requisite to enable us to point out what it ought to be. However he may permit prejudice and passion to wrap his opinions and bias his conduct, yet neither can his supineness nor his violence alter the essential difference between right and wrong. To display this difference, to develop the rules of human duty, and place them on their true foundations, is the proper and the only business of the moralist.

The first proposition being established, it will follow, as it is expressed in the second, that “he who deprives another of the above-mentioned gifts, or restrains him in the enjoyment of them, except such deprivation or restraint is sanctioned by divine authority, is guilty of an act of injustice to the individual, and of a sin against God.”

We have seen that the natural title of each individual to the quiet enjoyment of life, of personal freedom, and of such a portion of the unappropriated productions of the earth as is necessary for his comfortable subsistence, is clear, and full, resting on the will of God. A title cannot be set aside, except by authority

rity equal or superior to that by which it was established. He, therefore, who claims a right forcibly to deprive his neighbour of any of the gifts which God has bestowed upon him, or to restrain him in the use of them, is bound to produce at least as strong and as authentic testimony of its being the will of God that the deprivation should take place, or the restraint be imposed, as the other can that it should not. And if he presumes, without the production of such testimony, forcibly to interfere with them, he is not only guilty of injustice to the individual, but he acts in direct defiance of that Being by whom the gifts were bestowed.

No plea therefore can justify a forcible interference with the gifts of God to another except manifest authority from God himself.

It remains to be considered in what cases such authority can be proved.

C H A P. III.

THE THIRD PROPOSITION PROVED.

IN the preceding propositions it has been shewn that every man has divine authority for the quiet enjoyment of the gifts which God has bestowed on him; in other words, that these gifts are the actual and exclusive rights of the possessor. In the present chapter it will be proved that in certain cases one man has divine authority, that is to say, a right to restrain another in the enjoyment of these gifts, or even to deprive him of them. We should, however, conclude too hastily were we to infer that rights can ever be opposed to, or clash with, each other. The seeming contradiction is easy to be obviated. The gifts of God continue to be rights of the possessor so long only as it is the Divine will that he should enjoy them. Whenever in consequence of express directions from the original donor, or through the conduct of the possessor, another man has divine authority
forcibly

forcibly to interfere with them, they immediately cease to be rights of the possessor; and he may be deprived of them without a breach of justice.

The first branch of the third proposition declares, that “every man has originally divine authority to deprive another of the gifts of God, or to restrain him in the enjoyment of them, when in so doing he acts according to the express command of God.”

It is not necessary to enlarge on a position, the truth of which no man will dispute. The reality of such a command is the only point which can ever be questioned: and we may safely determine that no claim to inspiration is to be admitted, unless it be supported by the evidence of supernatural powers. For these are the only credentials by which the inspired messenger of God can be distinguished from the impostor; and they are the credentials by which the mission of those who have been charged with especial commands from above has in all ages been authenticated.

The second branch of the proposition affirms, that “every man has originally divine
authority

authority to deprive another of the gifts of God, or to restrain him in the enjoyment of them, when he proceeds in such deprivation or restraint so far, and so far only, as is necessary for the defence of the gifts of God to himself, or in defence of the gifts of God to those whom he is bound by natural ties to protect, or to those by whom his aid is solicited, against attacks unauthorised by God."

It has been shewn, without any reference to scripture, that all men are naturally possessed of certain rights; and further, that an attack on the rights of another would be a sin against God, and an act of injustice to the sufferer.

This will be confessed. But perhaps it may be alleged, that these considerations alone do not prove our actual right of opposing by force any such attack; that restraining the freedom, and much more endangering the life of another, though an aggressor, may be a line of conduct equally unauthorised with his own; that, supposing this to be the case, his guilt will be no justification of ours; that we may have no more right to kill an assassin

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than we have to destroy an infectious person, who might prove equally fatal to us; that although we must lament the approach of either as a severe misfortune, justice may, nevertheless, require that we should patiently submit the event to God, and leave to him the punishment of the offender, and the vindication of his own authority.

This fundamental objection to the right of self-defence is not to be obviated merely by urging that the destruction of the human race would be the ultimate consequence of admitting it. We are not allowed to oppose our ideas of future consequences to the direct authority of God. It has been proved that every man has originally that authority for the quiet enjoyment of the gifts bestowed upon him; and we must produce authority equally direct before we presume to interfere with them.

In reply then it may be observed, that to make the case of the infectious person parallel to that of the assassin, the former ought to have been represented as wilfully attempting to injure our health; otherwise he cannot

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be

be said to make an attack on the gifts which God has conferred on another. Of course the instance alleged can throw no light on the question, whether a person making such an attack may justly be resisted by force. A proof however of the irrelevance of a particular example does not invalidate the principle which it was intended to illustrate. The subsequent remarks, it is apprehended, afford a direct answer to the doubts expressed in the objection, and supply the proof which is required.

It has been shewn that the various bodily and mental powers possessed by each individual are the gifts of God; and further, that they are all bestowed for important purposes. Among these powers are some which the possessor may have clearly perceived to be calculated for the defence and preservation of the rest. He has already had sufficient grounds to conclude that the Almighty wills him to protect himself, by the use of such of the gifts conferred upon him as are applicable to the end in view, from the injurious effects of hunger, of thirst, and of inclement seasons. It is obvious, that in consequence of finding
himself

himself endowed by his Maker with powers capable of repelling injuries of other kinds, and impressed with an instinctive aversion to every sort of pain, he has equally substantial grounds for concluding himself authorised to resist injuries in general, by the use of such apposite means of defence as are bestowed on him. In other words, he may conclude, that for important purposes he is invested with a right, subject to such limitations as the original donor shall have already annexed, or shall hereafter, at any time, think fit to impose, to employ the powers of which he is possessed in defending himself against every kind of injury; whether it be likely to arise from famine or from nakedness, from the violence of a savage animal, or from the unwarranted attacks of a savage of his own species. And since he can in no case defend the divine gifts committed to his charge, without depriving the aggressor of some of his natural powers, or restraining him in the use of them; the arguments, which justify him in defending himself against an unauthorised attack, evidently justify such deprivation or restraint, as far as may be necessary for his defence.

He, therefore, who, by invading the rights of another, has met with resistance, and has thereby lost any of the gifts conferred upon him, his property, his health, his limbs, or his life, must impute the loss wholly to himself. He runs upon a weapon pointed against him by the hand of God; and the detriment which he receives is to be viewed in the same light as if it had been incurred by means of any other incident, which, by God's appointment, is attended with painful or destructive consequences.

To the preceding observations some important inferences may be subjoined.

First: The reasons, which prove that men are authorised by the will of God to resist an assailant, apply equally to the cases of open violence, and of secret fraud. Whether the aggressor be an avowed enemy, or a pretended friend; whether he attempt in the face of day to assassinate his neighbour, or by stealth to mingle poison with his food; the latter equally sustains an invasion of his rights, and is equally entitled to repel it by force.

Secondly:

Secondly : The same reasons, which prove that men are authoris'd by the will of God to defend their rights when actually attacked, equally prove them to be authoris'd, when they are sufficiently assured that an attack is intended by another, to lay such restraints on him as are necessary to prevent it; and to continue them so long as that necessity subsists.

Thirdly : The same reasons likewise justify men in taking all necessary methods to compel the restitution of the freedom, or the property of which they have been unjustly deprived; such methods being only a continuation of the resistance which was made, or an exertion of such as might have been made, to the original attack. And they equally justify the force necessary for obtaining what is analogous to restitution, an equitable indemnification for such rights as cannot be restored.

Fourthly : They apply equally to the defence and recovery of all the actual rights of men, whether originally received from God, or obtained by their own exertions, or (as it will hereafter be shewn that rights may be

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obtained,)

obtained,) by the assistance and consent of others.

Lastly : They do not authorise any manner of resistance beyond what is necessary to secure men from the effects of the injustice offered to them, or impending over them.

It remains to be shewn ^a under what circumstances an individual may be justified by the light of nature in using force against another, by giving assistance to a third person attacked by the latter.

From our former conclusions it is evident that he cannot be justified in thus interfering in behalf of any one, whom he has reason to

* They, who maintain the existence of a *moral sense*, will rank, among its suggestions, the desire of assisting a fellow-creature in distress ; and will consider *that desire* as a complete proof that a man has in *all* cases a natural right, by the will of God, to interpose by force in defence of the injured. However difficult it may be for my reader, whose benevolence is enlarged by revelation, to decline giving immediate assent to this argument, yet he will reflect, that no stress can be laid upon it, until the moral sense system be incontestably established.

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think may be the aggressor; nor in any case in interfering further than is necessary to secure the rights of himself and of those whom he protects.

Under these limitations he may interfere;

First: When the defence of the injured party is by nature committed to his care. Such is the situation of a parent with respect to his young children.

Secondly: When his aid is solicited by the party aggrieved.

It has been shewn that the latter has a right to impose the necessary restraints on the assailant. The arguments by which this right has been established equally vindicate him in employing the assistance of a fellow-creature and that of an ordinary weapon. If the person, whose interference he solicits, assents to his desire, the powers of defence belonging to the assistant, or such of them as are necessary to be exerted, are, in fact, lent to the injured party for the purpose in view; so far they become for a time his, and as such

may be employed by him. For as every man has a natural ability to transfer to others the use or the possession of the divine gifts which he enjoys, (the use of those gifts received immediately from God, as his bodily and mental powers; and the possession of those acquired, consistently with the will of God, by means of the former, as his food, clothing, and other articles of property,) and also to accept a similar transfer from others; so he may conclude himself authorised to avail himself of this ability, whenever it can be done without an infringement of the rights of another. In the present case no infringement can be alleged; the assailant having previously forfeited, by his aggression, his right to the enjoyment of his natural powers, so far as he designed to exert them to the injury of the party attacked. The latter, therefore, has a right to apply for assistance, and to avail himself of it, if granted; and the person to whom application is made has a right to comply with the request.

If the latter should be satisfied that his interference is actually desired by the injured party, it is obviously a matter of indifference, whether

whether the means were direct or circuitous by which the desire was communicated to him.

Thirdly: When his own security is immediately connected with that of the person whom he assists; as if he is himself one of a company attacked by robbers. For the case then becomes self-defence.

Fourthly: When his own security is eventually concerned in repressing invasions of the rights of another. And this will almost always be the case; since the safety of his own rights essentially depends on the repression of that violence, which he may reasonably expect will, on any favourable opportunity, be directed against himself, if permitted to trample on the rights of those around him.

It is evident that any man is justified in giving assistance to another against an assailant, even though the person whom he succours should, from private pique, from confidence in his own prowess, or from other motives, object to any interference; provided that such a step appears to him requisite for the defence
or

or recovery of his own rights. He is at all times authorised to protect himself from injuries, either offered or meditated; and he is not deprived of his right by finding the aggressor engaged in outrages against others; nor by the clamour of the party attacked, who has no plea for obstructing him in taking such measures as are necessary for his own defence.

He is equally justified in a similar interference for the defence or recovery of the rights of those whom he is bound to protect; and of those by whom his aid is solicited.

In the last branch of the third proposition it is asserted, that every man has originally divine authority to deprive another of the gifts of God, or to restrain him in the enjoyment of them, when he proceeds to such deprivation or restraint in consequence of the consent of the individual suffering it.

This point has already been settled. For I have recently proved that every man has a right to transfer to another the use, or the possession, according to the nature of the case,
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of any of the gifts of God which he enjoys, and to accept a similar transfer, whenever such a transaction can take place without a breach of justice towards others; and that whatever is thus transferred^b becomes one of the actual rights of the party accepting it. And it has also been shewn in the fourth inference deduced from the first branch of this proposition, that the use of force is no less justifiable for the defence and recovery of those rights which a man has obtained by the assistance and consent of others, than of those which he has received immediately from God, or acquired by his own exclusive exertions^c.

No man has a right, in any case not included within the limits of those which have been discussed, to deprive another of the gifts of God, or to restrain him in the use of them.

^b A subsequent chapter on engagements will point out the circumstances which are requisite to give validity to the transfer of a right by promise.

^c The cases and the manner in which the rights, established in the present and the preceding chapter, ought to be exercised, will be investigated under the remaining proposition.

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For in the proof of the first and second propositions it was shewn, that every one has divine authority for the unmolested enjoyment and exercise of the gifts which he has received, provided that the Almighty does not expressly resume them, and that they are not so employed as to infringe the rights of others. These are the only limitations *immediately* proceeding from the will of God to which the natural rights of men are subject. A third limitation, though sanctioned by divine permission, is the immediate consequence of the act of man; and takes place when any of God's gifts are voluntarily relinquished or abridged by the possessor. The rights of deprivation and restraint corresponding to these several limitations occupy the three branches of the third proposition. And as no limitations except those which have been enumerated are deducible from the first and second propositions, or compatible with them, the third proposition must necessarily comprehend all the cases, in which a forcible interference with the gifts bestowed on another has the sanction of divine authority.

These remarks afford a sufficient answer to any one, who maintains that he is authorised
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thus to interfere in cases not stated in the present chapter. It may not however be useless more particularly to consider what may be alleged in reply to his claim, should he endeavour to support it on any grounds of expediency. On that supposition he must contend, that the right which he asserts is a branch of his right,

1. To promote the happiness of himself:
2. Or the happiness of the individual against whom his force is directed:
3. Or the happiness of some other individual:
4. Or general happiness; in other words, general expediency.

On the first head it will be sufficient to observe, that a claim set up by an uninspired individual to invade the gifts of God to another, whenever he conceives that such a step will conduce to his own happiness, is an insult to him who conferred those gifts; and is resisted by the whole train of reasoning
which

which has been employed to shew that all men possess the same natural rights, and that the rights of every man are at his own disposal. It is a claim which every one may assert, which no one can prove, and which never can be admitted until it be established by proofs the most decisive^d.

If, in the second place, the aggressor rest his claim on the ground of contributing to the good of the individual, whose rights he is about to invade, can he shew that the Almighty has constituted him the judge of his neighbour's happiness? On the contrary, is it not the fact that God has left every man to determine what line of conduct will most effectually promote his own welfare? Hath it not been shewn, that as every man is to be rewarded or punished for the use he shall have made of the gifts with which God has entrusted him, so he has divine authority for employing them in any manner which he shall think most

^d Though individuals have seldom the effrontery to allege this plea, yet a plea substantially the same is not unfrequently asserted by a nation, under the denomination of national interest, to vindicate oppressive proceedings towards foreign powers.

conducive to his happiness, provided that he does not thereby infringe the rights of any of his fellow-creatures; and for retaining or relinquishing them solely at his own option? It follows then, that, even if the assailant could prove by the most incontestable evidence that the happiness of the person whom he attacks would be in the highest degree promoted by the loss of the rights in question, such a proof would contribute nothing to his own vindication. What though we admit it to be on this account the duty of the other in the sight of God to resign them? It is a duty, for the discharge of which he is answerable only to his God. For it is the possessor of these rights, and not the invader of them, whom God has appointed to judge in what cases it is more advisable that they should be retained, and when it is better that they should be relinquished.

Thirdly: If the aggressor maintain his claim on the ground of promoting the happiness, not of the person attacked, but of some other individual, or individuals, an application of the preceding observations will shew that a presumption, or a conviction, of what their happiness

happiness requires, will not in any degree justify his invasion of the rights of another. If he has no authority to impose restraints, in order that he may promote the happiness of the person restrained, a claim to impose them for the benefit of others must be, if possible, more unreasonable.

The fourth plea, that of general expediency, has been, I apprehend, completely refuted in the former part of this treatise, and may be dismissed without further discussion.

It may not be improper in this place to inquire whether restraints, the original imposition of which was unjust, may in any cases be continued consistently with justice.

The principles laid down in the present chapter evidently point out the following rule. Restraints originally unjust may be continued in all cases which would justify the present imposition of them; and in no other.

Thus, if I had unjustly taken a sword from another man, I should be authorised to retain it so long as I should have sufficient reason to believe

believe that, on receiving it, he would revenge himself by plunging it in my breast. When his claims were satisfied, and no future injury meditated against him, he would not be entitled to deprive me of the gifts which God had conferred upon me ; and I should be justified in the previous use of all necessary force to secure myself from the impending danger.

I will subjoin another instance, though drawn from civil society, a subject which has not yet been investigated, as it relates to a topic much agitated at present. The West-Indian negroes, though in general reduced to slavery by unjust means, may be detained in that state as long as there is sufficient reason to believe that, if emancipated, they would massacre the planters, or ravage the islands.

In all cases however the foregoing rule presupposes, that it is full and impartial deliberation which has convinced us that the continuance of the restraint in question is necessary to the defence of the rights of ourselves, or of those under our protection: for other-

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wife, we should not be authorised now to impose it.

If, for example, methods can be devised, and I see no reason why they may not, which may enable us to emancipate the children of the negroes without exposing our colonies to the above-mentioned injuries, we are bound in justice to adopt them. Nor will the plea of defending the rights of ourselves or others authorise us to continue the slavery either of children or parents, unless a *serious* and *candid* inquiry convince us that no such means are to be found.

It remains to be shewn how far the principles established in this and the preceding chapter are applicable to the case of those, who, from whatever cause, labour under mental incapacity.

It has been observed that the various bodily and mental powers, of which each individual finds himself possessed, are gifts of God; and that they are bestowed on him for important purposes, which he is to accomplish by his

own endeavours. Hence it was collected, that he had authority from God for the free and undisturbed enjoyment, use, and disposal of them, while he should refrain from infringing the rights of others. But although this inference be just with respect to the man who has physical ability to understand and fulfil the ends of his being, the proper conclusion may be very different with regard to him who has not. The Almighty has conferred on a person in the latter situation certain gifts for important purposes; but at the same time permits the existence of an obstacle, which completely disables him from discerning and accomplishing those purposes at present. Under these circumstances, unlimited freedom on the part of the possessor in the disposal or in the use of his natural powers would be attended with perpetual danger to the rights of others; and for the sake of defending those rights from attacks, the imposition of restraints upon him would frequently be just on the principles already established, in cases when it could not be vindicated towards those, who were able previously to answer for their actions. But further, reason may teach us that the infant, the idiot, the lunatic, to-

gether with those who are incidentally and for a time disordered in their understandings by disease, by terror, by intoxication, or by any other cause, (for our argument equally applies to all, whose mental faculties are actually incomplete or deranged, from whatever source those circumstances may have arisen, and whether they have proceeded from the fault of the persons in question or not) are to be considered as having received their endowments for the same ends, for which similar endowments are bestowed on their fellow-creatures; and that God wills those gifts, which through the present incapacity of the possessor cannot be properly used, to be preserved for the purposes for which they appear designed. We may therefore conclude that whenever any one is by nature, or through any incidental circumstance, physically incapable of discerning the ends for which the divine gifts were bestowed on him, and of applying them to those ends, (and such is the situation of the persons enumerated above) he is not authorized by a wise Creator to waste, to throw away, to injure, or to destroy them. On the contrary, we may infer the divine will to be, that these gifts should

should be superintended and preserved by such persons as through relationship or situation are most proper to discharge the trust; that whenever the faculties of the possessor shall by the bounty of Providence be matured or restored, he may be in a fit state to avail himself of the change, and to fulfil the purposes for which it was permitted to take place. On these superintendants another no less obvious duty devolves, that of diligently endeavouring by all seasonable methods to draw forth the latent and to re-establish the disordered faculties of those, whom Providence has committed to their care. And since it may be presumed that when God lays an obligation upon his creatures, which cannot be discharged but by the use of certain means, he at the same time gives his sanction to the use of them; we may conclude, that whenever our duty with respect to persons, whose faculties are imperfect or deranged, cannot be fulfilled without resorting to force, the use of force, temperately and faithfully applied to the end in view, is sanctioned by divine authority.

Such individuals then as labour under a physical incapacity of understanding and accomplishing the apparent purposes of their being, have a right to the enjoyment and moderate use of the divine gifts; but not to the uncontrolled alienation, or lavish and destructive employment of them. And a right exists in others, in those namely whom Nature points out as most fit to exercise it, of preventing the former by all requisite means from destroying or improperly alienating those gifts; and also of enforcing such restraints, as appear expedient for the purpose of rendering them capable of answering the great ends of human existence.

C H A P. IV.

THE FOURTH PROPOSITION PROVED.

THE object of the preceding propositions was to ascertain the extent and the limits of human rights. The course of our inquiry led us to an investigation of the crimes which consist in violating those rights; and are therefore not only sins against God, but likewise acts of injustice towards men. It must be obvious however to a person of a considerate mind, though uninstructed by Revelation, that there are crimes of another description. For he must discern, that although he should carefully abstain from infringing his neighbour's rights, he will assuredly incur the displeasure of his Creator, if he does not also make a proper use of those bestowed upon himself. He cannot conceive himself at liberty to employ them in any manner which passion, caprice, or inclination may suggest, with the single exception of not injuring his fellow-creatures; for, as we have already ob-

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served, the wisdom and design displayed in the constitution of himself, and of every thing around him, must teach him that all his bodily and mental powers were bestowed for important purposes. Those purposes he must consider it to be the business of his life to fulfil; and he must look on the rights which he has received from the divine bounty as instruments by which they are to be accomplished. He cannot fail therefore to discover and acknowledge the truth of the general rule delivered in the fourth proposition, that “every man sins against God, who does not act in such a manner with respect to the use, defence, and disposal of the rights which have been established in the preceding propositions, as he is of opinion will, on the whole, fulfil most effectually the purposes of his being.”

This proposition applies to three distinct branches of human conduct. It furnishes each individual with a rule to be observed with regard to the use of his rights, to their defence, and to their disposal. On each of these heads it may be proper to bestow distinct consideration. But as the conduct of every man in the particulars which I have enumerated

rated is to be decided by a reference to the various purposes which he was made to fulfil; and as it highly concerns him to avoid, whenever it can be avoided, the necessity of forming a hasty determination in the moment of action; he ought previously to impress upon his mind adequate ideas of the nature of those purposes, and to appreciate, as far as may be, their relative importance. I will therefore endeavour to facilitate such researches, by pointing out in a few words some of the principal ends of our existence discoverable by natural reason.

The primary end of the being of every man is obviously to promote and secure his own final happiness; an object which he can attain by no other method than by a zealous service of his Maker. He must therefore see it to be incumbent on him diligently to perform such actions, to acquire such habits, to cherish and improve such dispositions, as he has reason to believe will be acceptable to God. Every thing of an opposite description it is no less evidently his duty scrupulously to avoid.

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There are subordinate purposes conducive to the principal one, which not only his reason, but the very frame and constitution of his nature, shew that he was formed to answer. These are, promoting the final welfare of his fellow-creatures, and their present happiness as well as his own.

In his attention to the general happiness of others, he will find different individuals pointed out to him as objects of different degrees of his kindness and solicitude. In proportion as particular persons are more closely connected with him by the ties of kindred and of affection; in proportion as they have heretofore shewn kindness to himself; in proportion as they stand more in need of the assistance which it is in his power to bestow; in proportion to the force of any or of all of these circumstances, and of others which might be enumerated, he will find himself under a more pressing obligation to promote their present and future welfare. Though he is not answerable to men if he refuses to confer upon them those benefits, which he has a discretionary right to bestow or to withhold, he is accountable for that refusal to his
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God. For every opportunity of doing good to one of his fellow-creatures without being obliged to omit some other duty of equal or superior importance, is an opportunity afforded him of serving his Maker, and thus promoting his own final happiness; and he is bound never to neglect that primary end of his existence.

We will now pay separate attention to the three branches of human conduct to which the fourth proposition relates,

First: The first is the duty of man with respect to the use of his rights. The use of rights, as distinguished from the defence and disposal of them, refers principally to food, clothing, exercise, amusement, and the active employments of the bodily and mental powers. To these several particulars one general reflection may be applied, that each of them has a relation, more or less direct, to our final happiness as well as to our present comfort; and that each is productive of its peculiar moral trials. Our conduct therefore, with respect to each of them will most effectually promote the great purposes of our being, if we strictly apply them to the subordinate
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ends which they are respectively intended to answer ; and carefully guard against the temptations, by which, in the use of them respectively, we are liable to be ensnared.

Food, clothing, and exercise are obviously designed for the preservation of our bodily and mental powers in a state of vigour and activity. The dangers attending an improper use of the two former are sufficiently indicated by the example of those, who debase their reason and aggravate their passions by the intemperate indulgence of fastidious and brutish appetites ; and by the more numerous instances of others, who enervate their minds, contract a distaste and aversion to laudable pursuits, and become a prey to the daily suggestions of vanity, caprice, pride, and envy, through solicitude concerning exterior ornaments.

Exercise is rarely misapplied except when it may be regarded as an amusement. The neglect of exercise, not uncommon with studious men, and with others who cease to regard it as an amusement, naturally tends to enfeeble the body and mind, to depress the prime of life with the languor and listlessness
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of premature old age; and to preclude old age itself from a large portion of that activity, usefulness, and satisfaction, with which it might otherwise have been crowned.

The natural purpose of amusements is to unbend the mind; to recruit the languid and wearied faculties for future exertions; and, by diffusing a placid cheerfulness over the spirits, to raise and improve sentiments of benevolence to man, and of gratitude to God. The advantages of them will be best secured, and the corresponding dangers avoided, by taking care that our amusements be such alone as are perfectly innocent in themselves, of a virtuous tendency, or at all events not likely to lead us to any criminal action or idle habit; that even these be not permitted to occupy too considerable a share of our time, nor those portions of it which could most commodiously be allotted to objects of higher concern; that they be pursued only for their proper end, and estimated at no more than their proper value.

The active employment of our bodily and mental powers will appear in the highest degree

gree important, if we place before our eyes the comfortless and vicious lives of those whose time is not occupied in meritorious pursuits; and if we reflect on the daily and ample scope which it affords for confirming, extending, and manifesting our obedience to God, and our zeal for the happiness of our fellow-creatures. The exertion of our reasoning faculties is calculated to enable us to attain the knowledge of God and of human duty; to establish ourselves and others in the practice of virtue; to acquire such an insight into the nature and properties of different works of the creation, even beyond the limits of the earth, as will not only impress on our minds the fullest conviction of the power, wisdom, and goodness of the supreme author of the universe, but will also be of the most essential service and comfort to men in the concerns and incidents of common life. And in general, our faculties and endowments of every kind are best employed in promoting the influence of reason and religion, in the encouragement of science, in preventing or redressing injuries, in relieving distress, in diligence in our several honest occupations; and ought particularly to be exerted for the benefit

benefit of those, who, by the ties of nature or by other circumstances, are best entitled to our attention. Together with all the vices which are opposed to the several duties here enumerated, we are studiously to guard against those prejudices and failings to which our respective professions may more especially incline us; as well as against arrogance on account of the possessions or attainments bestowed on us, and contempt of others who may in any respect appear to be less favoured by Providence than ourselves.

There are few pursuits compatible with justice in which we are in greater danger of employing our bodily and mental powers in a reprehensible manner, than in those of which the acquisition of property is the object. It would be easy to illustrate this remark by instances which continually take place in civil society. In every transaction of buying and selling, whether on the large scale of commerce, or in the smaller kinds of bargain and traffic which occur daily in the intercourse of common life, each party is exposed to the temptation of availing himself of his neighbour's ignorance, or taking advantage

vantage of his necessities; the seller in particular of using improper methods to enhance the value of his goods; and the purchaser of obtaining possession of them, without being sufficiently assured of his ability to complete the payment in reasonable time, or even to complete it at all; proceedings which it is not unusual with men to defend on the plea of *custom*; in other words on the plea that multitudes act as unjustifiably as themselves.

But whenever an opportunity is opened to any man of acquiring, with his neighbour's consent, a power over any of the rights of the latter, whether as a purchase or as a gift; he is bound not merely to attend to every obligation of justice which may arise from the circumstances of the case, but steadily to bear in mind all the various purposes of his being, and to consider whether he shall more effectually promote them by acquiring or by declining the possession of the right in question. And, if the acquisition should appear the less likely to favour their accomplishment, it is his duty resolutely to withstand the offer, though it should hold forth prospects the most alluring to his inclinations and passions. If he accepts
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it, when he has reason to believe that by such acceptance he in any degree disqualifies the other from fulfilling, on the whole, the purposes of his being; though he does not violate any of the rights of the latter, and therefore is not answerable to him for the loss incurred by the surrender, yet he commits a sin in the sight of God. For it is the will of God that every one of his creatures should accomplish the ends for which he was made: whoever, therefore, knowingly contributes to disable his incautious neighbour from fulfilling that will, is himself guilty of resisting it.

Secondly: The duty of men with respect to the defence of their rights is next to be considered. The general rule laid down in the fourth proposition ought to determine an individual, whose rights are attacked, whether he should resist or not; and also to guide him, if he should judge the former line of conduct incumbent upon him, with regard to the degree and mode of his resistance. The following remarks may perhaps assist him in forming a just decision.

It is the natural duty of every man to endeavour to preserve himself in such a state as

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may best enable him to fulfil the will of God; or, in other words, to answer those purposes for which his Maker called him into being. And since Almighty wisdom bestows no gift but for an end adequate to the value of that gift, there is in every case a presumption, antecedent to reasonings on either side of the question, that each right, of which an individual finds himself possessed by the bounty of Providence, is necessary to enable him fully to accomplish the purposes of his existence; and consequently that God wills him to retain it. He therefore sins against God if he flights this presumption, and forbears from resisting to the utmost of his power, by all requisite force, every invasion of his rights; unless he is convinced, by a full and impartial consideration of the benefits likely to result from his forbearance as well as from his resistance, that the former measure, adopted in a greater or less degree, will, upon the whole, conduce at least as much as the latter to the ends for which he was created. If his conclusion should be, that the whole, or the more important of these ends, will be most effectually promoted by a total or a partial forbearance, it is then no less his duty to forbear, than it would

would have been on the contrary supposition to resist with his utmost ability.

Whoever by self-defence, in a case wherein self-defence was a duty, has endangered or lost his life, or other natural rights, is not chargeable with the guilt of disqualifying himself from fulfilling his Maker's purposes; the risk of such loss being inseparable from the resistance which, on the present supposition, God enjoins.

But he who resists when his conscience requires him to abstain from the defence of his rights, though he is not guilty of injustice, and therefore is not answerable to the aggressor for the detriment which the latter may receive, is answerable for it to his Maker; and also for the injury which he himself may sustain in the contest.

The observations which have been made under this head obviously apply not only to the duty of men with respect to the defence of their rights in the moment of invasion, but likewise to their duty with respect to

using force either for preserving them from meditated injury, or for obtaining the restitution of those which have been taken away, or indemnification for their loss.

The difficulty of deciding whether any or what forcible means ought to be employed for the defence or recovery of rights attaches to cases, where the different subordinate purposes of human existence seem to interfere with each other, and to require different lines of conduct. Where the principal purpose appears at stake there is no place for deliberation. Thus every man is bound, not only to have recourse to resistance at first, but to persevere in it to the last extremity, if an attempt be made to deprive him of the liberty of praying to or of praising God. For his own final happiness is the primary end of his being; and those are his primary duties which must form the basis of the intercourse between himself and his Maker. But a person engaged in an important litigation, considering in the first place the advantage which his children would derive from his success, and the small chance of his living to provide for them by

other means; and afterwards weighing the probable expence of the contest, and the risk of being finally disappointed by the death or absence of witnesses, may find it no easy matter to determine whether it be his duty to persist in the suit or to relinquish it. So likewise a clergyman, who discovers himself entitled to more ample tithes than he receives, may reasonably be in doubt, whether his obligation on the one hand to avoid all interruption of the harmony between himself and his flock (an interruption which so frequently results from the institution of tithes, as perhaps to furnish a decisive argument against the propriety of that mode of supporting the clergy), or his duty, on the other hand, to his successors and to his family, should determine him to abstain from, or to resort to, compulsory means of recovering his legal rights. Impartial attention to our general rule is the only method of settling these and similar doubts.

Thirdly: By the duty of men, with regard to the disposal of rights, I mean their duty with respect to voluntarily modifying, abridg-

ing, or relinquishing, their rights, ^a when no force is exerted or known to be meditated against them. A faithful application of the rule stated in the fourth proposition will resolve all cases of this nature; and many of the remarks which have already been made in the course of this chapter are so obviously transferable to the present subject, that I need not take up my reader's time by pointing them out particularly. I will therefore conclude with observing, that those rights, which no man can resign without endangering the accomplishment of the principal purpose of his being, cannot in any case be resigned without offending God; and that all rights by which the possessor finds himself obstructed in fulfilling that purpose, ought without delay to be relinquished, however conducive they may appear to the subordinate ends of his existence. Thus no man can be justified in surrendering into other hands the direction of his religious creed and of his conscience; nor for retaining an office conducive in many respects to

^a This limiting clause is inserted, as the duty of men with respect to the surrender of rights actually attacked or endangered has been considered under the preceding head.

his present happiness, and affording him frequent opportunities of promoting that of others, if he perceives his continuance in it to be irreconcilable with the discharge of his primary duties to God.

C H A P. V.

THE PRECEDING PROPOSITIONS SHEWN TO BE CONFIRMED BY THE SCRIPTURES.

THE principles which have been deduced in the three preceding chapters from the light of unassisted reason, will acquire much additional authority if they are shewn to be sanctioned by the scriptures. I shall, therefore, briefly prove that they possess this sanction, before I proceed to derive from them any further conclusions.

In the first place, the scriptures teach us, in concurrence with the first proposition, that existence, with every bodily power and mental faculty possessed by each individual, was bestowed upon him by the bountiful hand of God. They also declare in general terms, which convey the same natural rights to every individual, that the earth, under which term its various productions are manifestly comprehended, was delivered unto man to be
subdued

subdued by him; that is, to be employed for the relief of his wants, and the gratification of his reasonable desires. He was invested with an exprefs right of applying the vegetable creation (a fingle exception being made, with the object of which he did not long continue to be converfant) to the purpose of his fufenance; and at a fubfequent period he received fimilar authority over the whole animal^a world, which had not originally been fubjected to his unlimited dominion.

Further; the fcriptures have for their principal object the inculcation of this fundamental truth; that every man is placed upon earth by his Maker to work out his falvation by his own actions.

^a As animals are evidently fufceptible of pain and injury, man, uninstructed by revelation, could not have had the leaft right to exercife any authority over them. To refrain them in the enjoyment, much more to deprive them of the poffeffion, of thofe gifts which his and their Maker had feen it good to beftow upon them, would have been in every cafe, except in the defence of himfelf or of others againft their attacks, an act of ufurpation, and a fin againft that Power, who, for wife ends known to himfelf, had called them into exiftence.

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And since they teach us that the reward or punishment of every man will be increased in proportion to the manner in which he employs each of the means of action of which he is possessed, they necessarily and incontestably imply that his conduct should be free, except in cases in which it is restrained by his Maker: in other words (as it was asserted in the second proposition), that he is guilty of a sin against God who deprives another of any of the gifts of God, or restrains him in the enjoyment of them, except he has authority from God for so doing: and that he is also guilty of an act of injustice to the person thus deprived or restrained.

To proceed: the scriptures expressly assure us that the perfections of the Deity, more especially his power, his wisdom, and his goodness, are visible in his works, and are particularly conspicuous in the formation of man; that his gifts to man are all of them valuable and important, all calculated for specific purposes, and intended to be diligently employed. They continually inculcate on every individual, that it is his duty to use these gifts in such a manner as may best enable

enable him to fulfil the ends for which he was made; namely, to promote and secure his own final welfare, together with the final welfare of others, and their present happiness as well as his own. Now as these are the principles on which the reasoning urged in the two preceding chapters in support of the third and fourth propositions is founded, it follows that those chapters have scriptural authority for their basis. For a proof that the particular conclusions which have been deduced in them are confirmed by the whole tenor of scripture, if my reader is well acquainted with his Bible, I will appeal to his own knowledge; if he is not, for the sake of obtaining this proof, among better reasons, let me request him to become so.

I will dwell on this subject no longer than while I obviate the force of a question which may be asked, and which some men, I fear, would be glad to think unanswerable: “ You
 “ have proved,” it may, perhaps, be said,
 “ that the great rules of human conduct
 “ contained in the scriptures are disco-
 “ verable by the light of unassisted reason.
 “ Where then was the necessity for the
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“ Christian revelation ?” The Christian revelation, I reply, was necessary, that those rules of life, which none but the wisest would have deduced for themselves, and even they but imperfectly, might be placed at once before the bulk of mankind, expressed in the plainest language, founded on the most undoubted authority, and recommended by the most persuasive example. It was necessary, for the purpose of inspiring men with gratitude to God, and of enforcing upon them the practice of the various duties of forbearance, (a practice the most ungrateful to their natural passions) by convincing them of their fallen degraded state, and of their Maker’s unspeakable condescension and kindness in the means of their recovery from it, by the death and sacrifice of Jesus Christ, and by the sanctifying aid of the Holy Spirit. And lastly, it was necessary, in order to fix on immovable foundations that corner-stone, on which the whole fabric of our reasoning has been built ; the certainty of a future state of retribution, in which every individual will be rewarded or punished in exact proportion to his deeds.

C H A P. VI.

ON INDEMNIFICATION.

SEVERAL topics, which either have been cursorily noticed in the foregoing chapters, or are immediately deducible from the principles which have been maintained, may not improperly receive distinct consideration, as it is of importance that their true nature should be accurately understood. The subjects to which I allude are indemnification, punishment, slavery, property, and engagements.

By indemnification I mean the receiving of an equivalent for an injury sustained.

The right which an injured person has to indemnification, and the means by which it may justly be enforced, have already been shewn in the third chapter. The manner in which the claim is to be satisfied will appear from a review of the following cases :

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1st. Let us suppose the party aggrieved to have been injured in his property alone, and the aggressor to be possessed of property sufficient for the purpose of compensation. Under these circumstances the fit mode of retribution is obvious.

2dly. But if the aggressor is destitute of property, or unable, even by the surrender of his whole substance, to satisfy the just demand of the man whom he has injured, how is he to complete the equivalent? He must appropriate to the use of the latter such a portion of the other gifts which God has bestowed upon him, such a portion of his strength, or of his industry, or of his skill, as will answer the remaining claim. What he cannot pay with his property he must pay with his service.

In this case, although the injured person may compel the aggressor to perform the requisite service, yet he has not necessarily a right to oblige the innocent family of the latter to co-operate in it. The aggressor, as far as he is possessed of such a right, may be deprived of it by the other.

3dly.

3dly. Suppose the injured party to have incurred expence and loss of time in defence of his rights, or in endeavours necessary for the recovery of them.

These are injuries brought upon him by the wilful act of the assailant; and the sufferer has consequently a right to be indemnified. The particulars are reducible to computation, and an equivalent in property, or in service, may be precisely ascertained. Of course the reasoning on the foregoing cases is applicable to this.

4thly. Suppose the party aggrieved to have undergone bodily pain or injury, or severe anxiety of mind, in consequence of the attack which he has sustained.

He had originally the same title to freedom from injury in these points as in his property; and consequently has the same right to indemnification in the one case as in the other: and indemnification in these, as in all instances, must be rendered in property or in service.

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It is evident that in the case of unconnected individuals, where the person who had received the injury would judge for himself of the requisite compensation, as well as enforce the discharge of it, the exercise of this right would be pushed to unwarrantable lengths, and marked with caprice, violence, and outrage. It is equally evident that the computation of a fair equivalent, for the injuries under consideration, would be a matter of no small difficulty even to an unprejudiced bystander. But these circumstances do not invalidate the right itself, however they may indicate the duty of caution in the exercise of it. A right does not cease to be so because it may be abused; nor because the demand which it authorises in particular instances may not easily be ascertained with precision. Yet the computer is not entirely without land-marks to direct him. He may discern this recompense to fall short of what may fairly be claimed, and that to exceed it. A basket of apples would be an inadequate compensation for the loss of a finger; and a herd of oxen might be more than an equivalent. He is to discover, as nearly as may be, the just medium between the two extremes; and he is answerable to his Maker for an impartial judgement.

Indemnification

Indemnification may be demanded for the injuries sustained by the family of the party aggrieved in consequence of the attack made upon him, as far as the aggressor must reasonably be supposed bound to have foreseen that they would, or probably might, take place; for so far they must be considered as intentional injuries. This reasoning applies with still greater force where they are known to have been intended.

In each of the preceding cases it is possible that the injury sustained may be so great, that all the existing rights of the aggressor, which, when transferred, would be valuable to the sufferer, may fall short of being a fair compensation for it. While circumstances continue in this state, the latter cannot be fully indemnified; but he retains a right to exact the remainder of the debt, whenever the assailant shall be enabled, by a change in his situation, to discharge it.

With respect to enforcing or waving the right to indemnification in any particular case or degree, the injured person is bound in the sight of God to adopt that line of conduct

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which

which he apprehends will, on the whole, most effectually forward the purposes of his being. And in forming his judgement on this point, the advantage of the aggressor, with respect to the purposes which he also was created to accomplish, will be no inconsiderable object.

C H A P. VII.

ON PUNISHMENT.

HE who has obtained, by restitution or indemnification, complete satisfaction for the injuries which he has suffered, has no further claim on the aggressor, except for security against future violence, when it is on good grounds supposed to be intended. He has the same claim upon any man whom he believes to meditate an invasion of his rights, although he may never have invaded them hitherto. And it has already been proved, that every man has authority from God previously to deprive another of the gifts conferred on him by providence, so far as is necessary for securing himself from the proposed attacks of the latter; in other words, that every man, who has sufficient reason to believe that another individual meditates an unjust attempt against him, has a right to inflict on that individual such punishment as is necessary to prevent him from prosecuting his design.

In some cases security cannot be attained without inflicting such a punishment as absolutely deprives the aggressor of the power of committing the meditated outrage. In others (and these, fortunately for mankind, are the more numerous) the end may be sufficiently answered by measures less violent, which, in all probability, will deter the criminal from his purpose, though they do not proceed to the extent of disabling him from accomplishing it.

Since the right of punishment is merely a branch of the right of defence against an aggressor, it follows, from the positions which were established in the discussion of that right, that it may be exercised, if occasion requires, by any individual on behalf another, against whom an unjust attack is commenced or meditated, whenever the assistance of the former is naturally due to the latter, or desired by him; and whenever the former apprehends that the defence of the latter is necessary for his own present or future security.

The justice of human punishments can originally be maintained on no other principles than those on which it has been asserted in the present chapter.

To

To punish by way of inflicting vengeance for crimes is to usurp the prerogative of God.

The idea of inflicting punishment by way of indemnification, or in lieu of it, is too absurd to merit much attention. Punishment, as such, can never constitute indemnification; inflicted with this view, it must be nugatory, and would therefore be an unauthorised attack. It may, however, be imposed when it is necessary for the recovery of indemnification from an aggressor, who refuses the satisfaction which he owes, and which he is able to give.

Of all the erroneous notions respecting punishment, no one is so prevalent as the idea, that natural justice authorises the infliction of it on criminals for the purpose of deterring others from becoming so. The assertion of a right to punish on this ground is directly repugnant to the principles which have been established in the third chapter. Yet if two modes of punishment, justifiable according to those principles, suggest themselves to the mind of the person injured, either of which would answer his purpose; he is bound in the sight of God to adopt that mode, which ap-

pears to him the most likely to deter others from engaging in criminal undertakings. Instead of being punished with stripes, let the offender be bound to a tree by the wayside, characterised by symbols of his guilt, if the dread of disgrace appear more likely to impress the spectators with abhorrence of the crime, than the apprehension of corporal chastisement.

It is also the duty of every man in the sight of God to exert the right of punishment, or to forbear from exercising it, in any particular instance, according as he is persuaded that such exertion or forbearance will most effectually promote the great purposes of his being. And in forming his judgement on these points, as well as in determining the mode of punishment to be adopted, it is his duty to consult the ends for which the aggressor was created, as far as is consistent with the other considerations which he is to take into the account.

C H A P. VIII.

ON SLAVERY.—APPLICATION OF PRINCIPLES WHICH
HAVE BEEN ESTABLISHED TO THE AFRICAN SLAVE
TRADE.

By slavery I mean the condition of a person who is compelled to labour at the will of another, without any previous contract.

Agreeably to natural justice, an individual may be reduced by force to this condition on two accounts :

1st. For Indemnification.

2dly. For Punishment.

The causes which may entitle one man to force another into slavery, for the sake of indemnification or punishment, and the circumstances which should determine him to exert or to wave his right, have already been discussed in the two preceding chapters. The slavery in these cases must cease as soon as

the just purposes for which it was imposed are obtained. Until these are accomplished, the right of the imposer remains unaltered.

The exercise of this right during the whole, or any part, of its continuance may be^a transferred by the possessor to another person. It is however obvious that the transfer can convey no just power beyond the extent or duration of the right which existed in the former owner. Nor does the valuable consideration, which may be given for the slave by the new possessor, make any alteration in that respect. The buyer cannot acquire what the seller has no right to dispose of.

No man can be justified in wilfully contributing, either in the capacity of purchaser, or of agent, or in any other way, to detain a person in slavery who has *in fact* acted in such a manner as completely to vindicate the condition in which he is held, unless convinced in his conscience on grounds sufficiently strong that this is the case. In a contest between two individuals, I should not be justified in assisting one of them to bind, maim, or kill

^a See page 88. *supra*.

the other, though the aggressor ; unless it were previously shewn to my satisfaction that he was so, and that the violent measure proposed was necessary for the defence of the injured party. The application is easy.

That he who has taken his enemy captive in a conflict has a right to doom him to slavery, is by no means a necessary consequence. It is idle to say that he might take the life of his conquered antagonist, and is therefore merciful in exacting only his labour. Let him establish the premises before he deduces the conclusion. The only way in which he can establish them is by proving the death of his prisoner to be requisite for the reasonable security of himself, or of those whom he has a right to protect, against injuries apprehended on sufficient grounds from the other. It is almost needless to observe that such a plea can very rarely be alleged with truth by warriors of any age or nation, who consult their reason rather than their passions ; and that reflections on the interested motives which are likely to suggest it, and a deep sense of the value of life to each individual, ought to prevent it from being admitted in any possible case, without

out the fullest proof of the necessity described. The argument stated above, is that which is generally urged to vindicate the enslaving of prisoners taken in war ; but let it ever be remembered, that all which the conqueror can claim from his captive is reparation for past injuries, and reasonable security against future violence. If he find it essential to the attainment of these ends that the other should be reduced to slavery, he has then, and then only, a right to enslave him. The right, however, is neither created nor extended by his having captured the other party ; though that is the circumstance which happens to enable him to exert it.

The positions which have been established will furnish a ready solution of the doubts not unfrequently entertained, whether slaves retain a right to acquire or to hold property. The state of slavery does not necessarily involve the forfeiture of those natural rights. If the just ends of indemnification and punishment cannot be accomplished without depriving the slave of them, as well as of his liberty, they may be taken away ; otherwise he continues to possess them.

If

If the slave refuse to render to his owner the labour which is his due, it may justly be exacted by the use of all requisite punishment.

In no case can the master have a right to the labour of the guiltless family of the slave further than the slave himself is entitled to it. Whatever right the slave may possess to the service of his children is liable, like any other of his rights, to be forfeited ; and may be claimed and exercised by the master, as far as he finds that measure necessary for securing the just purposes of punishment and indemnification : but the authority asserted on this ground by the master must terminate with respect to each particular child, as soon as that child attains to such an age as no longer to be subjected by nature to the dominion of his parent.

This reasoning applies with equal force to children born during the slavery of their parents. The master cannot derive from the latter more extensive or more permanent rights than they themselves possess over their offspring.

If

If the master, shifting the ground of argument, pleads that he has maintained the child from infancy to manhood, and not from gratuitous charity, but with a view to a proper recompense; let him be reminded, that he has received in return the labour of the other during that period. But he replies, that “the labour has been an inadequate return; and that he has at least a right to exact the services of the child when grown up, until he has obtained a reasonable indemnification: for the infant having no prospect of being supported by any other person, it must be presumed that, had he been able, he would gladly have consented to secure a maintenance on the terms of making an equitable compensation when he should have it in his power.” Why does not the master assert, that the other, had he been able, would have consented to secure his existence on *any* terms, and claim a right to detain him in *perpetual* bondage? Why does he not affirm that he has a right to enslave any man whom he has chanced to preserve from drowning? No consent was or could be given in either case, nor any right conveyed. Whatever debt of gratitude may have been incurred, that is not to be recovered

recovered by compulsion. In each of these instances, if assistance was given to the distressed party from proper motives, one of the most indispensable duties which a human being can owe to his Maker, and one of the greatest acts of benevolence which man can render to man, has been performed: but if the object of this benevolence should refuse all acknowledgment of the kindness, his benefactor must satisfy himself in this world, and well may he be satisfied, with the conscious approbation of his own heart, and look forward to another for his complete reward.

I have hitherto spoken of the rights of the master; I will now briefly mention his duties. Not having a right to endanger the life or health of the slave, except so far as the danger is the unavoidable consequence of the reasonable service of the latter, he is obliged in justice to provide food, clothing, and other necessaries, for the slave, or to allow sufficient time and opportunities for the other to provide them. He is also bound in the sight of God to attend to the health, morals, and religious instruction, of the slave; to treat him on all occasions with kindness and forbearance,

more especially to be mild in exacting labour, and inflicting punishment ; and not to give or to sell the slave to any person, whom he does not think likely faithfully to perform the duties of a master.

The end for which moral principles are investigated is the direction of human conduct. During our investigation of them, their final object ought ever to be kept in view ; and no fit opportunity should be omitted of pointing out their bearings on topics of importance, especially on such as are agitated at present. The positions which have been maintained in this chapter, can never be more properly applied than to the elucidation of the question now before our legislature, concerning the abolition of the African Slave-trade. I shall therefore apply them to that subject, with the brevity which is required by the limits of my general plan.

It appears then, that those writers, who have contended that a state of slavery cannot be reconciled with justice, and that the possession, the sale, or transfer, of a slave, is in every instance an act of usurpation, have proceeded
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to much greater lengths than sober argument will vindicate. It would in truth have been as reasonable to maintain that all penal measures, and all transfers of rights, are unjust. For if natural justice permits a man to be deprived, in certain cases, of his limbs or of his life, can it universally forbid the exaction of his labour? And if one man is entitled to the service of another, does not justice allow him to give or to sell that right, like any other of his rights, to a third person?

For the just purposes of indemnification and punishment slavery may be imposed. Whoever therefore has honestly purchased from the *proper owner*, either in Africa or in the West Indies, a slave, whom, after *serious enquiry* he *believes in his conscience* to have been *deservedly* condemned to that state for either of these ends, has not violated justice in the transaction; nor, supposing that his conviction continues, and that he faithfully discharges the duties of a master, will he act unjustly in exacting the labour of the slave during the term for which he was condemned, (whether it were for a limited period or for life,) nor in disposing of him for the whole or
any

any part of the term to any other person, who, he has reason to think, will treat him properly.

But whoever has defrauded the former owner of a slave in the original purchase; whoever has accepted or exercised a power over the liberty of another, without having made full and impartial inquiries whether that liberty is justly forfeited, and is also justly at the disposal of the feller; or without being convinced in his conscience that the fact is so; whoever detains the slave in bondage directly or indirectly a moment after that conviction has been done away; or a moment after the conclusion of the time for which the slavery may justly be continued; whoever does not faithfully discharge the duties of a master, or transfers his slave to another whom he does not think likely to discharge them, commits in each of these cases a flagrant sin against God; and in most of them as flagrant an act of injustice to man.

Now are any of the indispensable requisites to the acquisition of a just title to a slave scrupulously attended to on the coast of Africa?

Are

Are any of them, except the honest payment of the price, attended to at all? Does the purchaser make a conscientious inquiry, or any inquiry whatever, into the fundamental points, whether the liberty of him who is exposed to sale be justly forfeited, and also be justly at the disposal of the seller? Can he, who has bought a thousand slaves, point out any five of them with respect to whom he has sufficient reason to believe this to be the case? Does he not know that the wretched beings whom he purchases, are almost universally the victims of avarice, treachery, and rapine; that nearly all of them have either been kidnapped by their countrymen and relations, doomed to bondage from their infancy by laws radically unjust, seized without provocation by their own princes, adjudged to slavery for pretended crimes, or for offences altogether undeserving of such a punishment, stolen by the immediate emissaries of Europeans, or captured in wars commenced at their instigation for the purpose of obtaining slaves?

But many of these facts are controverted or denied. Let those who distrust them read
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with an unbiaſſed judgement the evidence on both ſides which has been laid before the public, and their doubts will probably be ſatisſied. Whether this be the caſe or not, let them in the next place reflect on the propenſities of the human mind, and on the information which hiſtory affords, and ſay, whether the facts above-mentioned are not confequences which muſt be expected naturally and uniformly to take place among uncivilized nations, inflamed with a paſſion for foreign merchandize, while ſlaves are the articles with which it muſt be purchaſed.

As theſe enormities are countenanced from intereſted motives by the numerous independent Princes of Africa, whom it is not poſſible that Britiſh Legiſlatures can control; and as they ever will be countenanced as long as thoſe motives exiſt, it is evident that the African ſlave-trade is, and, from the nature of things, ever muſt be, a trade ſyſtematically deriving its ſupport and its very exiſtence from unbounded oppreſſion and injuſtice.

This ſingle circumſtance, excluſive of the additional weight which it may derive from
other

other considerations, is sufficient to prove that the trade ought instantly and universally to be abandoned; and, as the virtue of private individuals appears unable to restrain them from entering into it, that it is the duty of our legislature, both to God and man, by an immediate act of abolition to prevent those at least, who are under its jurisdiction, from acting either as principals, abettors, or accomplices, in a system of such incurable iniquity.

Those who have contended for the abolition of the Slave Trade solely or chiefly on the ground of humanity, have evidently narrowed the basis on which their cause ought to rest, and have neglected the strongest argument in its favor. I know that humanity has more popular attractions than justice. Attention to the former seems to imply spontaneous merit; observance of the latter is regarded as the discharge of a debt. It should however be remembered, that the suggestions of humanity may in some cases oppose each other; and may be fairly counterbalanced or outweighed by different considerations. The demands of justice are always consistent with

themselves, and may on no plea whatever be disobeyed.

But let me not be supposed to intimate, that there are no arguments of importance to be urged for the abolition of the Slave Trade besides those which are dictated by justice. There are arguments suggested by a regard to humanity and other duties, which of themselves ought to determine the Legislature instantly to enforce that measure, if all considerations of justice were omitted.

By the Slave Trade we necessarily contribute, to the utmost of our power, to retain vast regions of Africa, many times larger than Great Britain, in a state of barbarity and ignorance; to arm every man against his neighbour; to destroy the security and poison the comforts of domestic life, by keeping every individual in momentary fear of being seized by a lurking enemy, or even by his own kindred, and hurried on board a slave-ship; to foment continual, bloody, and unprovoked wars; to encourage the savage tyranny of the Princes, and direct it against their guiltless subjects;

subjects; to perpetuate the most iniquitous laws and institutions; and to prevent the diffusion of the religion of Christ. Who will lay his hand on his heart, and affirm that the purchase of the greatest advantages, private or national, could be justified on such terms for a moment?

I shall not dwell on the injuries and calamities which the slaves experience on their passage to the West-Indies, and after their arrival there, (though they result from the trade, and I am persuaded will to a great degree be coeval with it) because an investigation of them would swell this part of the work to a disproportionate size; and because, if they were completely removed, the arguments already adduced would still be decisive. I will however briefly notice the principal grounds on which the abolition is resisted.

1st. It was shamelessly asserted a few years since that the negroes are a race essentially distinct from Europeans, and inferior to them; and the assertion is even yet occasionally heard, though it is equally unphilosophical and unchristian. For, does not historical experience

teach us that complexion depends almost entirely upon climate, and talents on civilization, as clearly as scripture affirms, that God^b made of one blood all the nations on the face of the earth? But were the negroes proved a distinct and an inferior race, should we have on that account a right to enslave them? When God has seen it fit to give us our rights over animals by express declarations in the scriptures, and has thereby instructed us that we should not otherwise have been authorised to exact their labour, would superiority of nature have entitled us to exercise authority over a negro, which would have been usurpation if exercised over a brute?

2d. But we are told that the Negroes are the descendants of Ham, and therefore devoted to slavery. The doom of servitude is denounced in scripture only against the posterity of Canaan, who, I presume, is not conceived by any one to have been the progenitor of the Africans. I will not waste my reader's time in shewing how futile the argument would have been, had Canaan been the founder of their race.

^b Gen. ix. 19. Acts xvii. 26.

3d. Another

3d. Another plea for the continuance of the Slave Trade is sometimes urged on pretended grounds of justice. It is alleged that, as the West-Indian owners have purchased and improved their estates under the expectation of cultivating them by negroes obtained from Africa, the Legislature of this country, by professedly encouraging the cultivation of the islands, has entered into an implied engagement with the planters to permit the continuance of the Slave Trade. The most explicit engagements to that effect, had they ever been entered into by our Legislature, would not have been binding; since they could not have been performed without flagrant injustice to the Africans, the invasion of whose rights the British government never was, nor ever can be, authorised to promote.

4th. The Slave Trade, and all its horrors, are sometimes vindicated on the plea, that the negroes are happier in their slavery and exile than they would have been in the enjoyment of liberty at home. And, as a proof of this singular circumstance, we are told, that free negroes in the West-Indies have refused the offer of returning to their own country. It

would indeed be extraordinary if a negro should abandon Jamaica, where he had at length acquired connections, property, and freedom, for the sake of revisiting Africa, where he would find himself friendless, forgotten, and disregarded: when he must also know, that if he should escape the not improbable event of being sold to some European in his way, he might reasonably expect to be seized again in his own country as he had been before, and be returned a slave to the island from which he had set sail exulting in his liberty. Let us however allow the advocates for the Slave Trade the full advantage of their absurd and incredible plea, that not only the free negroes, but even the slaves, are happier in our islands than they would have been in Africa; a plea which, were it true, would of itself decisively establish the miserable state to which Africa is reduced by the traffic which they strive to vindicate: but let us in our turn require them to prove that they have a right to enslave others for the purpose of making them happy. The existence of any such right has been sufficiently disproved in a former chapter; and would not readily be admitted by those with whom we

are

are contending, if it were claimed by a negro over themselves.

5th. Finally, it is affirmed that, while the Slave Trade is continued by other nations, the abolition of it on the part of Great Britain would produce no alleviation of the miseries of Africa, and would destroy a principal source of the revenue, naval strength, and prosperity of this kingdom; and consequently, that we are justified in pursuing the trade, at least until a general abolition shall be decreed by the powers of Europe.

This argument is frequently urged by men, from whose understandings and virtues better expectations might have been formed.

That the abolition of the Slave Trade on the part of Great Britain would be likely to produce a considerable alleviation of the calamities of Africa, is a position which it might not be difficult to maintain; and that it would materially conduce to the prosperity both of Great Britain and of her dependencies, is a position which has been maintained by those, who ought best to understand the sources of
our

our national strength, with arguments which have not yet been disproved. But let both the facts be allowed, precisely as they are stated by the friends of the Slave Trade.

Have we then a right to join in rendering Africa miserable, because others would still harass her though we should refrain? Would my reader think himself justified in bearing a part in a scheme to plunder or defraud an European, by the plea that if he were to decline the offer, a bystander was ready to supply his place? Can he then, either as a private man or as a legislator, abet a systematic plan of injustice and fraud directed against the freedom of negroes, and be innocent? On such a plea the smuggler, the thief, the assassin, every criminal of every description, might claim a plenary indulgence for his enormities.

But the interest of the kingdom requires the continuance of the trade!

And is the interest of the kingdom to be supported by depriving unoffending foreigners of their rights; by an uniform succession of outrages against humanity and justice? What
would

would have been robberies and murders if committed by single highwaymen, are they not still robberies and murders, though the perpetrators have previously coalesced into a troop, a society, or a nation? It is a momentous truth, and a truth little regarded, that the rules of morality are as binding on nations as on individuals; and that our obligations as Englishmen are subordinate to our duty as Christians.

I would in the last place ask those who allege the general argument stated above, what their sensations would be, if they or their children were captured and carried slaves into Morocco; and were told by the tyrant of the deserts, that the depredations of his corsairs were most grating to his feelings; and that he would assuredly put an end to them, if he did not foresee that they were requisite for the welfare of his realm, and that he could not obtain the concurrence of his brother of Algiers.

I cannot conclude without expressing my ardent hope that, if the present attempt to abolish this disgraceful commerce should by

any means, or in any degree, be rendered abortive, the friends of the abolition will seize every favourable opportunity of again bringing the subject before the legislature, until their efforts are crowned with that complete success which such a cause deserves, and is sure finally to obtain.

The emancipation of the negroes now in the islands, a measure with which, through ignorance or artifice, the abolition of the Slave Trade has been repeatedly confounded, is by no means necessarily required by the principles which I have endeavoured to establish. In a former chapter I have shewn that slaves, who have been unjustly reduced to their present condition, may yet be detained in it, as long as there is sufficient reason to believe that their liberty, if restored, would be employed in acts of outrage and revenge.

C H A P. IX.

ON PROPERTY.

IT has already been proved that every man has originally a right, by the gift of God, to such a portion of the unappropriated productions of the earth as is necessary for his comfortable subsistence.

The first and most obvious exercise of this right would be the acquisition of food, of shelter, and of clothing. To this would succeed the fabrication of rude utensils and weapons.

The right however extends beyond the bare productions of the soil. The soil itself forms a part of the common stock for the benefit of mankind; and any unappropriated spot may be seized by each individual for his own exclusive possession, so long as that exclusive possession is requisite for his comfortable subsistence. The same wants, which,
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in consequence of being an evidence of the will of God, convey to any one a title to a certain portion of the fruits of the earth, in like manner give him a title to a certain portion of the earth itself. He has the same incontestable right to the unmolested enjoyment of the spot of ground, which he has occupied with his tent, with his grain, or with his flocks, as he has to the spot on which he is standing, or to that on which he lies asleep.

He, therefore, who, in consequence of these wants, has taken possession of a vacant cavern for his habitation, and the adjoining unoccupied hill for the pasturage of his cattle, has authority from God to defend them against every aggressor. But the right which necessity creates necessity limits. He has no claim to a greater extent of land than is requisite for the comfortable subsistence of himself, and of the family, the flocks, and herds, which God has given to him. If a savage, before America was inhabited, had been driven in his canoe from Tartary to Cape Horn, he would have had an indubitable right to the exclusive possession of such a district round his hut as was
necessary

necessary for his support; but he would have had no right to object to future strangers settling on a distant part of the coast, on the plea that he stood in need of the whole continent for his hunting ground.

The cavern, however, and the hill, the flocks, and the utensils, and whatever other articles of property had not been previously transferred by gift to some other, and become his actual right, must revert, on the dereliction or death of the owner, to the common stock, and be open to the next occupant. The original possessor's right was founded, as we have seen, on his need, and extended only to the use of them; and being voluntarily abandoned on his dereliction, or extinguished together with the need and use at his death, no longer exists after either of those events, and consequently cannot be transferred.

It cannot be said that the testator had by his will transferred the right previously to his death; for at any period during the remainder of his life he might have destroyed or altered his will at his own pleasure.

Neither

Neither can it be alleged, that as the testator made the offer during his life, while the right was indubitably his, the acceptance of the legatee, after the decease of the former, completes the transfer. Not to insist on other objections to which this reasoning is liable, it may be sufficient to observe, that the rights of the testator, terminating at the moment of his death, and confessedly not having devolved to the other party previously to the completion of the supposed transfer by acceptance, must have ceased to exist before the period when this transfer of them is said to take place.

The end, which in civil society is answered by wills, might, antecedently to social institutions, be attained by another method of proceeding. A father, for example, might give to his son the property which he wished the latter to possess after his own death; and might secure to himself, if he should think fit, the enjoyment of it in the mean time, by making the donation on the express condition, that his son should permit him quietly to possess the property in question as long as he should live. Were the offer accepted by the son during the life of the father, the transfer
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of the right would immediately take place. It is however obvious that such a transaction would be specifically distinct from a testamentary bequest.

Mr. Paley and other moralists contend, that those moveables which are to a great degree the produce of a man's personal labour, as his tools, weapons, &c. may originally be disposed of by will; because the owner has employed his own labour upon them^a, and has inseparably mixed it with them^b, thereby giving them a great increase of value, which increase is inseparable from, and makes a great part of, the whole value.

The foregoing reasoning, notwithstanding the respectable names by which it is sanctioned, rests on unsubstantial foundations. No man can prove any just title originally to appropriate to himself either flocks, herds, and fruits, or any productions of the earth (whether as materials for his weapons, utensils, and moveables, or for any other purpose),

^a Paley, Vol. I. P. 221.

^b Vol. I. P. 115, 116.

nor consequently to retain them afterwards, whatever alteration he may have wrought in them by his labour, except the right which arises from their being necessary for his comfortable subsistence; a right which is inevitably extinguished by his death.

If the arguments, by which Mr. Paley maintains that an individual has a natural right to dispose of his moveables by will, possessed any real force, they would prove him to have the same right to bequeath land, which he has reclaimed from barrenness to fertility. And, in fact, Mr. Paley maintains that land^c under these circumstances becomes the property of the cultivator as absolutely as the utensils are which he has manufactured. He adds, that the individual, who thus improves it, does not thereby acquire a right to it in perpetuity, and after this cultivation and all its effects are ceased. It follows however, according to his statement, that the improver may, by will, convey to another a right over it for the period during which the effects of his labour shall

^c Vol. I. P. 116.

continue.

continue. Yet in a subsequent^d chapter Mr. Paley proceeds to establish the opposite conclusion, and to establish it on principles which admit of no exception, that land previous to the institution of civil society cannot be disposed of by testamentary bequest.

^d P. 222.—Mr. Paley argues on this subject nearly in the manner which I have adopted—that “in a state of nature a man’s right to a particular spot of ground arises from his using it and wanting it, consequently ceases with the use and want; so that at his death the estate reverts to the community, without any regard to the last owner’s will.” Yet these are arguments to which Mr. Paley can give no weight consistently with his fundamental principle. He ought to have confined his researches to the single point, whether the existence of the right of bequeathing land in a state of nature would, or would not, promote the happiness of mankind. If this question be determined in the affirmative, he must maintain the existence of the right, in defiance of the arguments by which he has disproved it.

It is to be observed that, in asserting the right of bequeathing moveables, Mr. Paley has paid no more attention to general expediency than he has done in disproving the right of bequeathing lands. The reader, who has perused his work attentively, will have perceived that it is not uncommon with him to lose sight of his fundamental principle, and to argue on other and less fallacious grounds.

The principles which have been deduced in the present treatise oblige me to deny the existence of a right, which Mr. Paley, in common with other moralists, has supported; I mean the right of extreme necessity. This he defines to be ^c “ a right to use or destroy
 “ another’s property, when it is necessary for
 “ our own preservation to do so.” And as an instance of it he mentions “ a right to
 “ take, without or against the owner’s leave,
 “ the first food, clothes, or shelter, we meet
 “ with, when we are in danger of perishing
 “ through want of them.” And he asserts it to be “ a general right, as it is incidental
 “ to every man who is in a situation to
 “ claim it.”

In the first place, I must observe that Mr. Paley has adduced no arguments to prove the only fact, which, according to his fundamental position, can demonstrate the existence of the right; namely that arming every man with authority to deprive another of his property, whenever he imagines that property to be necessary for his preservation, would promote

the happiness of mankind. How would it appear, were we to argue on his own principle of expediency, that this is a case “in ^f which
“the particular consequence exceeds the general consequence,” and that “the remote
“mischiefe resulting from the violation of the
“general rule is overbalanced by the immediate advantage?”

In the next place we may ask, for the preservation of *what* particular objects this right may be exercised. Not merely of life, but of property also; for Mr. Paley authorises every man on *this* principle ^g to pull down a neighbour's house against his consent, to stop the progress of a fire. Can we say then that there is any kind of property for the security of which it may not be exercised? Much more may not it be exercised by any man for the security of what is dearer than property, his health; of what is dearer than life, his good

^f P. 103. I have already quoted Mr. Paley's preliminary observation, that, “in computing consequences, it
“makes no difference in what manner or *at what distance*
“they ensue.”

^g Page 102.

name? May not he forcibly possess himself of the house of another, should he be persuaded that his desire for it, if it be not gratified, will bring upon him death, or delirium, or melancholy? May he not seize his neighbour's purse, that he may be enabled to silence a venal calumniator, who threatens to ruin his character? In short, if the principle be admitted in any one instance, where is the line to be drawn?

“ The foundation of the right,” Mr. Paley says, “ seems to be this; that, when property
 “ was first instituted, the institution was not
 “ *intended* to operate to the destruction of any;
 “ therefore, when such consequences would
 “ follow, all regard to it is superseded.” The insufficiency of this mode of reasoning will appear by an application of it to other instances. The right to defend ourselves, with which we are endowed, was not *intended* to operate to the destruction of any. Is it therefore never to be permitted so to operate? The institution of municipal laws was intended for the *benefit* of every member of the society, and not for the destruction of any. When the latter consequence

sequence would follow, is all regard to them superseded?

That no such right as that of extreme necessity can exist has already been shewn. It has been proved, in the discussion of the third proposition, that no man, except he receive an especial divine permission, has a right to deprive another of his property, or to restrain him in the enjoyment of it, without his consent having been previously given, unless the latter has invaded, or shewn a design to invade, the rights of the former, or of some person under his protection^h.

The

^h Nearly allied to this supposed right of extreme necessity is a right, frequently maintained by worthy and intelligent men, to depart from established rules of justice *in extreme cases*. They assert that every moral principle may be rendered *absurd* by being pushed too far; and in order to prove this assertion, they put extravagant cases, in which they apprehend that great hardship and mischief would result from a rigid adherence to general rules. Now, were we to reason with them on their own grounds of expediency (for expediency, which has been proved inadequate to the establishment of any right, is the ultimate basis of their argument,) the point in question would be decided against them by a considerate and unprejudiced umpire. For he would in the first place observe, that the cases,

The positions which have been maintained in this chapter, and in the three preceding chapters

which they find themselves obliged to adduce in support of their cause, are such as from their very nature can rarely occur ; and consequently that little addition would be made to the sum of human felicity, were the deviation from established rules for which they contend put in practice in those, and in similar instances. And in the next place he would remark, that if once such a deviation were authorised, men with the purest intentions would naturally be led by imperceptible degrees to conceive *any* case in which their feelings were strongly interested to be an *extreme case* ; and that the unprincipled and artful would frequently represent a common case as *extreme*, and be suffered by their more ignorant neighbours to act as if it actually were so ; insomuch that the unjustifiable proceedings, and the consequent miseries, to which the misapplication and abuse of the principle would give birth, would abundantly outweigh the seeming good effects which might occasionally arise from the proper use of it.

As to the *absurdity* which they allege, it must be remarked that no apparent absurdity can impeach the validity, or limit the operation, of a rule of justice, except that which would result from a proof that the rule as applied contradicts itself, or some other branch of justice. A proof of such an absurdity would be decisive ; for truth must always be consistent with itself. But the position that the rules of justice are of universal obligation cannot be shewn to be absurd in this sense of the term ; and indeed it will be found on observation, that they who combat it usually strive
to

chapters on Indemnification, Punishment, and Slavery, are strictly applicable to the proceedings between independent states, unconnected by any particular engagements. The various modifications which these rules undergo, when applied to proceedings between members of the same community, arise from the peculiar rights and obligations of governors and subjects, which will be briefly investigated in a subsequent part of this treatise.

to prove it absurd, not by shewing that any such contradiction as I have described is inherent in the position which they oppose, but by an appeal to men's feelings, or to their ideas of expediency; and therefore build their reasoning on extravagant cases, calculated to overpower dispassionate argument by an instantaneous and violent impression on the mind.

The reasoning which I have urged against the right of extreme necessity is equally applicable to the right of deviating from the rules of justice in extreme cases. These supposed rights are equally irreconcilable with the propositions established in the 2d and 3d chapters; they are equally destitute of foundation, equally indeterminate in their extent, and appear equally fitted to disturb the peace and happiness of mankind.

C H A P. X.

ON ENGAGEMENTS.

ENGAGEMENTS take place from an exercise of the divine authority which it has been shewn that each individual possesses to alienate his rights, and to accept such rights as may be transferred to himself.

As all engagements, however distinguished from each other by being contracted with peculiar formalities, or attended with peculiar conditions, are intrinsically of the same nature, my observations, though confined to those usually comprised under the name of Promises, will be equally applicable to engagements of any other description.

A promise is not a mere declaration of an intention; it is an engagement to the promisee that the promiser will act in the manner specified.

Consent understood to be given and accepted, by whatever means the consent and
5
acceptance

acceptance are signified, constitutes a promise; but less than this will not constitute one. If the one party does not accept the right offered to him by the other, matters remain as they were before the offer was made. Promises then do not exist before acceptance, and consequently are not binding.

Any one of the rights of an individual, unless held under a stipulation that it shall not be alienated, may be the subject of his promises; for we have seen that all such rights are at the owner's disposal. If therefore he should promise to part with any thing which it was his duty in the sight of God to have retained; if a father, for example, should engage to give to a stranger the property which he ought to have reserved for his own children; he is naturally at liberty to do so, and the promise is valid.

The obligation to perform a promise is a branch of the general obligation not to infringe the rights of another. When an individual by an engagement has transferred to his neighbour one of the gifts which God had bestowed upon him, the latter has the same
right

right to it which the original proprietor had before the transfer; and if it be withheld from him he has the same right to use force for the recovery of it as for the recovery of any other article of his property.

The foregoing positions respecting the circumstances which a promise involves as essential to its existence, the subjects which it may embrace, the obligations which it imposes, and the rights which it confers, may be illustrated by the following instance.

If a traveller ask a shepherd the road to the place whither he is journeying, the latter is not originally under any obligation to the inquirer (whatever may be his duty in the sight of God) to communicate information. His knowledge is his own, and he may impart or withhold it at his discretion. The traveller requests him to impart it. If the shepherd returns an answer which he knows the former will consider as an assent to his request, that is, as a direct or implied promise that he shall be put in possession of the knowledge in question, this knowledge is now become the actual property of the traveller; and the latter has the
same

same right to use force, if force be necessary, for the purpose of obtaining it from the former, as he would have to obtain the delivery of a lamb which the shepherd had promised to him, or the restitution of a horse of which he had robbed him.

In whatever manner the promise may have been made, whether it were expressed or implied, whether entered into by words or actions, the preceding reasoning will be equally applicable.

The shepherd might enter into a valid engagement to give the traveller right directions even by wilfully directing him wrong; for he would know that the traveller would understand *any* directions not palpably absurd as an assent to his request. He might convey a promise by a nod as intelligibly as by the most positive assurances; and however it were conveyed, he would be equally bound, and might with equal justice be compelled, to fulfil it.

But the shepherd would not be bound to those to whom he could not be supposed to mean to engage himself. The strongest assurances

ances given to the traveller would not lay the shepherd under any obligation of shewing the road to a listener, whom he did not know to be at hand, or evidently did not mean to address.

“ Where the terms of a promise admit of
 “ more senses than one, the promise is to be
 “ performed in that sense in which the pro-
 “ mifer apprehended at the time that the pro-
 “ mifsee received it.”

This ^a is Mr. Paley’s rule for the interpretation of promises; and it is very just. He proves it in the following manner.

“ It is not the sense in which the promiser
 “ actually intended it, that always governs the
 “ interpretation of an equivocal promise; be-
 “ cause at that rate you might excite expect-
 “ ations which you never meant, nor would
 “ be obliged, to satisfy. Much less is it the
 “ sense in which the promisee actually re-
 “ ceived the promise; for according to that
 “ rule you might be drawn into engagements

^a Paley, Vol. I. P. 125.

“ which

“ which you never designed to undertake.
 “ It must therefore be the sense (for there is
 “ no other remaining) in which the promiser
 “ believed that the promisee accepted his
 “ promise.”

For the satisfaction of my reader, who may reasonably wish for a demonstration of the truth of the rule from first principles, the following is subjoined.

Consent, understood to be expressed by one party and to be accepted by the other, constitutes a promise. The promiser, therefore, is bound to fulfil what he meant to express and believed to be accepted; and the promisee has a right to claim what he meant to accept and believed to be expressed. If either of them apprehended that the other party had a different meaning from himself, but did not intimate his doubts and come to an explanation, he is bound to adhere to that different meaning; for by his silence he implied acquiescence in it. So that, in fact, the promiser is bound to fulfil what he believed to be accepted, and the promisee to claim no more than he believed to be expressed.

In

In certain cases promises are not binding.

1st. When either the promiser at the time of giving his consent, or the promisee of accepting it, is physically incapable of understanding whether the transaction would be conducive to the purposes of his being.

The positions, on which this rule is founded, were established in the latter part of the third chapter.

Thus the promises of infants, idiots, and lunatics, are naturally void.

So are the promises of a drunken man, if at the time of making them he was so far overpowered by intoxication as to be no longer capable of discerning his duty; but not otherwise. Whether this was the case or not, must be determined from particular facts; in the same manner as you would ascertain the degree of mental disorder which constitutes [madness.

Perhaps

Perhaps it may be said, that the drunken man, notwithstanding the derangement of his intellects, is answerable for his actions while in that situation ; having reduced himself to it by his own voluntary act. That argument, if it had any force, would apply equally to the cases of such idiots and lunatics as have brought their incapacity on themselves by their own misconduct ; by the gratification of intemperance, or through the excess of passion. It is not, however, applicable in any of these cases. Although every man who deprives himself of reason is answerable to God, yet if he be in fact, through whatever cause, no longer capable of understanding and fulfilling the purposes of his being, he is unable to convey any right ; and what he cannot convey, the promisee cannot acquire from his consent.

2dly. Promises are not binding, when an express or implied condition, on which they are understood by both parties to be founded, fails without the fault of the promiser.

For the terms are not fulfilled on which alone the promise was to be obligatory.

N

Thus

Thus if a person undertakes to assist another, avowedly supposing him to be unjustly attacked, he is released from his promise, if he discovers the promisee to be the aggressor. So likewise in contracts, which are mutual promises, if one party fails in the performance of his engagement, the other is released; unless there were some previous stipulation to the contrary.

If the promiser be previously apprised of the failure of the condition, or wilfully occasion it, he violates his engagement, and may be compelled to make satisfaction.

These rules will be illustrated by a consideration of the case of promises, the performance of which is impossible.

Such promises are evidently not binding: for the possibility of performance must be a supposition on which the promise was understood and accepted; and of course was a condition of the promise.

But if the promiser was privately aware of the impossibility when he made the promise;
as

as if he engaged to put a tenant into immediate possession of a farm which he knew was under lease to another; or if he afterwards occasioned it, as if the owner of a ship, after engaging to convey a passenger to the West Indies, and to receive him on board on an appointed day, were to set sail a month before hand without him; the promisee has a right to compensation for the loss which he sustains by the non-performance. For in each case he acquired a right to the thing promised, and in each case the disappointment of his just claim and the consequent injury which he receives, is owing to the wilful fault of the promiser.

3dly: Promises are not binding, the performance of which would be unjust, that is, would be an infringement of the rights of a third person.

For the promiser cannot convey a right which is not his to dispose of; and consequently the promisee cannot acquire it.

If both parties were aware of the injustice of performance at the time when they entered

into the engagement, the case is clear ; neither of them can have a doubt of the promise being void. Nor is the promiser bound to indemnify the other, as a right could never be supposed to be conveyed to him.

If both parties were, as far as appears, unapprised at the time of engaging of any injustice attending the performance, the promisee, on this injustice being discovered, (whether it did or did not exist when the promise was made) has no claim to indemnification. For all engagements, where nothing appears to the contrary, must be understood to have proceeded on the supposition, that is, on the implied condition, of the performance being compatible with justice.

But if the promiser has wilfully occasioned the injustice of performance ; - or if he was privately aware of it at the time of making the engagement, and the promisee was ignorant of it ; in either case he is liable to a just demand of compensation. For by his promise he engaged to put the other party in possession of the matter in question ; and he is bound

to make reparation for the disappointment and injury which he has wilfully occasioned.

The reasoning which has been stated on the subject of promises, the performance of which is unjust, fully applies to promises which contradict a former valid engagement. For the right pretended to be conveyed by the subsequent promise was already transferred to another person by the former.

Mr. Paley ^b affirms, that the performance of a promise is unlawful, when it would be inconsistent with what he terms an *imperfect* obligation. It would not be difficult to prove this rule erroneous in its principle; and to shew that it has led, and must lead Mr. Paley, to conclusions the reverse of those which he has maintained on other ^c grounds: but as the

^b Page 132, Vol. I.

^c See particularly the instance of promising a person your vote (P. 132), a promise which Mr. Paley declares not to be binding when opposed to an imperfect obligation; and compare it with his observations on the same instance, p. 138. How can these decisions be reconciled, since Mr. Paley expressly admits, p. 91, that you are under an imperfect obligation to give your vote to the better candidate?

difference between the kinds of obligations which moralists have denominated perfect and imperfect has not yet been specifically discussed in the present treatise, (nor would this be a fit place for the discussion) I shall only observe that, if the rule were true, no reliance could be placed on any engagement. The promiser would very frequently discover some imperfect obligation which would be violated by the performance; and in every case he would be able to feign such a discovery, without being liable to confutation.

I apprehend that other errors have been admitted into Mr. Paley's chapters on promises, and on lies, important enough to merit particular notice.

Mr. Paley affirms ^d that “ a promise cannot
 “ be deemed unlawful, where it produces,
 “ when performed, no effect beyond what
 “ would have taken place had the promise
 “ never been made.

^d Page 134.

As he * advances no argument in support of this rule (and surely it is not self-evident), it will be sufficient to refute it by an example. An assassin determines to kill a certain individual; he is afterwards desired by another to murder the same man, and engages to do it: according to the foregoing rule his promise is lawful, for he would have committed the murder if he had not made it. Or, let us suppose an instance which may seem less atrocious. A tyrant issues orders for the exe-

* Perhaps Mr. Paley argued in his own mind that such a promise is lawful, because the performance occasions no injury to any one which would not otherwise have taken place; and therefore is not repugnant to general expediency. The topic of general expediency has been fully considered in the preceding pages.

The rule not being just, Mr. Paley's subsequent reasoning deduced from it, that "in this case the obligation of a promise will justify a conduct, which unless it had been promised would be unjust," falls to the ground. In no case will a promise bind any one to be guilty of a breach of justice, or vindicate the action.

The right of the captive, in Mr. Paley's instance, to regain his freedom by a promise of neutrality, arises from these circumstances; that the laws of nature and of his country leave him at liberty to enter into such an engagement, if he thinks fit.

cution of an unconvicted prisoner, whose only crime has been a support of the liberties of his country; by Mr. Paley's rule, if a person thoroughly assured of the innocence of the sufferer were to undertake to become the executioner of the usurper's vengeance, his engagement would be lawful. But are not these conclusions as repugnant to Mr. Paley's previous reasoning on unlawful promises, as they are to the principles which have been maintained in my present chapter?

Mr. Paley also affirms^f that " falsehoods are
 " not lies, that is, are not criminal, where
 " the^g person to whom you speak has no
 " right to know the truth; or, more properly,
 " when little or no inconvenience results
 " from the want of confidence."

This rule, under either form, is destitute of any solid foundation.

In reply to the first it may be remarked, that if a person puts a question to you when he has no right to insist on a reply, and you

^f Page 184.

^g Page 185.

answer him in such a way as you think or hope will lead him to conclude that you mean to impart to him the desired information, you *give* him a right to it; and you are guilty of a breach of promise, that is, according to Mr. Paley's ^h definition, of a lie, if you do not communicate it: for, to proceed in his own words, " whoever seriously addresses his discourse to another tacitly promises to speak the truth, because he knows that the truth is expected."

The rule under the second form would authorise every man to violate truth at his own discretion. It is founded on general expediency, a principle which has been already refutedⁱ.

The practice of deceiving an enemy by feints, false colours, spies, and false intelli-

^h " A lie is a breach of promise." Paley, Vol. I. Page 184.

ⁱ Mr. Paley's decision under this rule, that you may tell a falsehood to a robber or an assassin to save your property or your life, cannot easily be reconciled with his doubts, p. 140, whether a promise extorted by them is binding.

gence,

gence, is justified according to Mr. Paley by the preceding rule. Without entering into particulars it may be observed, that the only stratagems which can be employed against an enemy, consistently with natural justice, are such as do not involve an express or implied promise of sincerity.

From the positions already established respecting the rights of defence it follows, that the performance of a valid promise may be suspended, as long as the promiser has sufficient reason to believe that the thing promised, if delivered, would be employed in an attack on the rights of himself, or of some person under his protection; unless there were an express or implied condition to the contrary.

Extorted promises are binding.

This point has long been contested among moralists. To argue it fairly, we must suppose that the extorted promises are not such as would be void, if they were voluntary.

On what plea then is an exemption from the general obligation of performance claimed for him whose engagement was extorted?

1st:

1st: It is claimed, because the promiser entered into the engagement in consequence of violent constraint and apprehension.

By our previous supposition the promiser was not reduced to a physical incapacity of understanding and adopting either of the alternatives offered to him. How then did the force and apprehension affect him? They laid a strong bias on his will, and set before him a powerful temptation to make the promise. And does this circumstance render the promise void? If you affirm that it does, you must affirm the same in every case in which the promiser is under an inducement equally strong, arising from persuasion, or from interest, or from passion; for, provided the bias be laid on his will, and the temptation be set before him, it is of no more consequence to the argument by what means this is effected, than it is whether the assailant in the present case attacked him with a sword or a club. And, since it is impossible to assign a reason why any particular degree of bias is the lowest which exempts a man from the obligation of performance, you must ultimately maintain that every promise, contracted in consequence
of

of any the most trifling inducement, is void; in other words, you must maintain that no man ever was bound, or ever will be bound, to perform any promise whatever.

2d: But the promiser, it is contended, notwithstanding his outward actions, did not give his mental consent.

His mental reservations, which did not appear, were as immaterial to the validity of the promise as if they had never existed. He knew that every thing was done which constitutes a promise^k; he knew that his consent was understood to be given, and that it was accepted by the other party. On the present plea, any voluntary engagement might be evaded, and any gift reclaimed. The promise

* Dr. Ferguson (Institutes of Moral Philosophy, 2d ed. p. 189.) contends, that an extorted promise is not binding, because the promisee could not have a reasonable expectation of its performance being intended. Surely he did expect it to be performed, or why was he at the trouble of exacting it? Whether his expectations were reasonable or not, is a matter of no consequence; since they were known to the other party, who by his promise engaged to satisfy them.

under consideration was substantially made; why is it not faithfully performed?

3d: The promiser, it is finally asserted, is exempted from the obligation of performance by the principles which have been established in the preceding chapters: for it has there been proved, that every man has authority from God when self-defence requires, to deprive an aggressor of any of his possessions or endowments. The promiser therefore, even if he admits the other party to have originally acquired a right through his engagement, may yet withhold the thing promised, or may forcibly reclaim it if delivered; either the former¹ step being requisite for his self-defence, or the latter for his indemnification.

To this reasoning, which at first sight appears plausible, the following answer may be returned.

The promiser, it is granted, is naturally authorised to use all necessary force against an

¹ Dr. Ferguson (p. 189, 2d edit.) alleges an argument of this kind.

aggressor

aggressor in defence of his rights, unless he be under an engagement to the contrary. But the thing which he has promised is no longer his right; he has made it the right of the promisee by his own transfer; and was aware that he was understood to resign all claim to it of every kind which he possessed before that transaction. Consequently he has no pretext for detaining it on the plea of self-defence, nor for resuming it on the ground of indemnification^m.

^m I am aware that I shall incur the charge of disorderly arrangement, by subjoining to an inquiry into the nature of engagements in general observations relating to a particular engagement, instituted in a particular country. Yet, as it is undeniably of great importance that just sentiments should be entertained respecting the meaning of subscription to the thirty-nine articles, and as the opinion which Mr. Paley maintains on the subject appears to me not only unsupported by argument but likely to be productive of consequences highly pernicious, I trust the reader will pardon this deviation from the strictness of method.

Mr. Paley having previously observed, in conformity to his rule for the interpretation of promises already quoted by me in this chapter, that the "*animus imponentis*" indicates the sense in which the articles are to be subscribed, affirms, p. 219, that "the legislature of the 13th Eliz. is "the imposer."

The

The latter position is fundamentally erroneous.

The *present* legislature of this country, which, by forbearing to exercise its acknowledged power of repealing the act of 13th Eliz. sanctions and enforces that act, is the imposer of subscription on the existing generation; and it is consequently the intention of the present legislature which the subscriber is bound to satisfy.

That subscription may be justified without an actual belief of each of the articles, as I understand Mr. Paley afterwards to intimate, is a gratuitous assumption. On this point the articles speak for themselves. Why is an article continued in its place if it be not meant to be believed? If one may be signed without being believed, why may not all? By what criterion are we to distinguish those which may be subscribed by a person who thinks them false, from those which may not? Is not the present mode of subscription virtually the same as if each article were separately offered to the subscriber? And in that case could any man be justified in subscribing one which he disbelieved?

No circumstance could have a more direct tendency to ensnare the consciences of the clergy, no circumstance could afford the enemies of the established church a more advantageous occasion of charging her ministers with insincerity, than the admission of the opinion that the articles may safely be subscribed without a conviction of their truth, taken severally as well as collectively. That opinion I have seen maintained in publications of inferior note; but it was with surprise and concern that I beheld it avowed by a writer of such authority as Mr. Paley.

It is possible that some of the articles may be worded in such a manner, as to be fairly interpreted in a sense not
only

only not foreseen or intended by the original imposers, but opposite to the opinions entertained by them respecting the doctrines in question. Yet, should the case be so, such articles may be subscribed in this sense with a safe conscience, if there is sufficient reason to believe the present imposers satisfied with that subscription.

If the terms, in which any of the articles are expressed, may be fairly interpreted in more senses than one; and if it be a known fact that the generality of subscribers concur in one particular interpretation; that interpretation, especially if it has for some time been usually received, may at least be deemed one of the senses, if not the exclusive sense, in which assent is required by the legislature: for if it were not, the legislature, it may be presumed, would have altered the articles, or have pointed out the precise meaning in which it designed them to be understood.

It is, however, no easy task to prove the expediency and propriety of continuing an article, which may be subscribed in opposite or in discordant senses.

C H A P. XI.

GENERAL REVIEW OF THE NATURAL RIGHTS AND
OBLIGATIONS OF MEN.

It has been stated heretofore, that by a right I mean authority from God for the enjoyment of any particular thing, or for the performance of any particular action.

It was also observed that the term right is occasionally used, in compliance with custom, to denote the object of a right; as when it is said that life is one of the rights of man.

By natural rights are meant those rights which an individual possesses independently of the institution of civil society.

These rights, for the sake of perspicuity, I shall here enumerate, referring to the preceding chapters for particular information respecting each.

O

Every

Every individual naturally possesses

A right to life.

A right to freedom from personal injury
and from personal restraint.

A right to appropriate to himself such a
portion of the unappropriated produc-
tions of the earth, and such a portion
of unappropriated land, as is necessary
for his comfortable subsistence. The
scriptures give him a similar right over
animals.

A right to accept from others, and
appropriate to himself, such rights as
they are authorised to transfer to
him.

A right to defend any of the rights of
himself, or of those under his protec-
tion, against an aggressor by the use of
all requisite force in opposition to him;
either by resisting his attacks, or by
making the first attack upon him; or
by

by inflicting punishment on him ; so far, and so far only, as is necessary for such defence.

A right, in cases of injury sustained by himself, or by those whom he protects, to exact restitution, or indemnification, from the aggressor, by the use of all necessary force against him.

Lastly. A right to wave, to abridge, or to alienate, any of his rights at his own discretion ; except such as he may himself have acquired under an express or implied condition to the contrary, or may have subjected to such a condition afterwards.

These are the natural rights of men, who do not labour under a physical incapacity of understanding, and fulfilling the purposes of human existence. The peculiar restrictions to which persons of the opposite description are naturally subject, and the consequent rights which others possess over them, have been stated in the third chapter.

Right and obligation are correlative terms. Wherever any individual has a right, all others are under an obligation not to make an attack upon it. In every such case they are under a special obligation both to God and to the owner of the right ; for obedience is due to God, and freedom from injury to every man. But the obligation which each individual is under to exercise and dispose of his own rights in such a manner as may best promote the purposes of his being, is an obligation to God alone.

No circumstance has more materially contributed to introduce confusion into moral reasoning than the various and even hostile significations of the word right. Not in conversation only, but in books of repute, expressions like the following are common :
 “ It is right that you should relieve a
 “ beggar ” — “ I have a right to refuse, if I
 “ think fit ” — “ The Almighty has a right
 “ to your constant obedience ” — “ I have a
 “ right to squander away my estate, though
 “ I know it will displease him.” One principal source of these inconsistencies has been the injudicious practice of moralists, in divid-
 ing

ing rights into two kinds, which they have termed perfect and imperfect. This division I have rejected, as being radically indefensible, and a source of continual and important errors. Under the title perfect, all rights whatever were in fact comprehended. Those denominated imperfect, were not rights, according to any consistent definition of that term. If I were told by a moral philosopher that a person in distress had a right to my charity, I should admit that he might have good reasons for presuming that I should relieve him; because he might reasonably expect that I should cheerfully employ the gifts which God had bestowed upon me, in a manner so conformable to the will of the donor: but I should deny that he had a *right* to that assistance from me which my Creator gave me authority to confer or to withhold at my discretion; an authority for the due exercise of which I am answerable to him alone.

The same argument would apply with equal force to all other *reasonable expectations*, which have been erroneously termed imperfect rights.

The introduction of imperfect rights was necessarily followed by a train of imperfect obligations. These rest on the same unsubstantial foundation with the supposed rights to which they correspond. Thus, I am under no obligation to a beggar to relieve him, because he has no right to my assistance. My obedience is due to God; and therefore I am under an obligation to God to relieve the beggar, if I think upon the whole that it is the divine will that I should. But this is a point which I am to decide for myself; and, in making the decision, it is my own conscience alone, and not the beggar's expectations, which I am bound to satisfy.

Mr. Paley adopts the division of rights and obligations into perfect and imperfect, though apparently against his better judgment.^a He also affirms, in conformity to his general principle, that "perfect rights can only be distinguished by their value^b." It should seem, according to this position, that a candidate at an election, who merits the vacant seat, and thinks the possession of it as valuable to him

^a Paley Vol. I. Page 91.

^b Vol. II. Page 3.

as one of his estates, has as perfect a right to the former as he has to the latter. If this and other necessary consequences of the rule should be contradicted by some parts of Mr. Paley's work, that circumstance, far from obviating the arguments against the rule itself, will only shew at what opposite conclusions the most acute reasoner will arrive, who takes general expediency for his guide.

P A R T III.

APPLICATION OF THE PRINCIPLES WHICH
HAVE BEEN ESTABLISHED TO THE CON-
STITUTION OF CIVIL SOCIETY.

C H A P. I.

THE TRUE GROUNDS OF CIVIL OBEDIENCE EXPLAINED,
ERRONEOUS NOTIONS REFUTED.

W HATEVER opinions may have been pre-
valent under the reign of the Stuarts, I ap-
prehend that no intelligent Englishman, who
shall have perused Mr. Paley's very satisfac-
tory chapter "on the duty of Civil Obedi-
" ence as stated in the Christian Scriptures,"
will hesitate to admit that author's conclusion :
" That, as to the *extent* of our civil rights
" and obligations, Christianity hath left us
" where she found us ; that she hath neither
" altered nor ascertained it ; that the New
" Testament contains not one passage which,
" fairly interpreted, affords either argument

“ or objection applicable to any conclusions
 “ upon the subject, that are deduced from
 “ the law and religion of Nature.”

This fundamental point being determined, I must recall the reader's attention to a proposition, the truth of which has already been proved: That in no cases except the following is any person authorised to deprive another of the gifts of God, or to restrain him in the enjoyment of them.

1st. When he proceeds to such deprivation or restraint in consequence of immediate inspiration from God.

2ndly. Or in consequence of its being necessary for the defence of himself, or of some person under his protection, against the unauthorised attempts of the other party.

3dly. Or in consequence of the consent of the individual thus deprived or restrained.*

* See Part II. Ch ap. II

I. Since there is no apparent probability that, in the present period of the world, inspiration will define the rights of governors and the duties of subjects; and since, if it should, the only line of conduct to be adopted would be implicit submission; the first of the preceding cases does not require further illustration.

II. The force, exercised in consequence of the necessity stated in the second case, is justifiable only to the extent and during the continuance of that necessity. Situations may arise in which, on the plea of this necessity, an aggressor may justly be reduced to the alternative of undergoing the punishment which he has deservedly incurred, or of entering into civil society with his opponent; and in like manner a conquered country may be led to connect itself with the victorious state. And it is possible that an unjust attack may influence the weaker party to accede to a similar union with the oppressor. Yet in each of these cases the consent of the vanquished, though extorted, is the circumstance which lays them under the social obligation; for it was in their
option

option either to endure extremities, or to submit^b to the terms proposed.

III. Therefore the only just foundation of civil government is the consent of the governed.

As this conclusion immediately and incontestably follows from principles, the validity of which has been established in the preceding pages, it cannot be necessary to enter into a prolix refutation of the various unsubstantial pleas on which governors, in different ages and different parts of the world, have rested their claim to dominion. Yet, on account of the importance of the subject, it may not be useless to return a short and distinct answer to such of those pleas as have been most commonly maintained in theory or in practice.

If the governor, like some of the Eastern despots, rests his claim on the superior dignity of his own nature, and thence infers that he

^b All aggressors are under an obligation to submit to such restraints as the other party has a right to impose in self-defence. But this obligation is perfectly distinct from that which results from social union.

has a right to compel his fellow-creatures to obey, for the purpose of promoting either his happiness or their own; what reply shall we give to an argument, which, if it were solid, would authorise every man to enslave his less enlightened neighbour, and would justify a Newton in seizing the sovereignty of the world? We may recur to that train of reasoning, by which it has been already proved that no man would be authorised, on the plea of promoting the happiness either of himself or of another, even if the object could certainly be attained, forcibly to restrain an unoffending individual in the use of the gifts bestowed on him by his Maker.

Should assumed dominion be vindicated on the grounds of general expediency, the ground on which Mr. Paley founds every right of the civil governor, I shall only observe that, if this plea has not already been abundantly overthrown, I must despair of alleging any satisfactory argument against it,

Perhaps the claim is rested on the ground of conquest or captivity. If the war was
not

not undertaken by the victors either in the just defence of themselves, or of others under their protection, it was an unauthorized attack on their opponents ; and success in such an attack gives the conqueror no right to impose forcible restraints on his vanquished or captive antagonist. If the latter, presented only with a choice of evils, agrees to acknowledge the authority of his too fortunate enemy, the governor has then acquired a right to enforce submission ; but he has acquired it from the consent of his subject. Until that consent is expressly or impliedly given, the pretended sovereign is an usurper ; and has no better title to the fruits of his conquest than an highwayman has to his booty. If the war was originally just, the conqueror has a right to exercise dominion over the defeated party, so far as is necessary to insure to himself indemnification for the injuries already sustained, and security from any further violence which he believes to be meditated. After the attainment of these purposes, consent alone, investing him with civil authority, can authorize the continuance of his jurisdiction.

But

But perhaps the governor grounds his claim to sovereignty on the single circumstance of the individual, whose obedience he requires, having been born within his territories. In this enlightened part of Europe he cannot mean to have the claim understood according to the exploded notions of feudal vassalage. He cannot mean to imply that man is attached, like a tree, to the spot of land on which he is originally placed; that he is an appendage inseparable from the soil, and necessarily subject to the same restrictions. He must confess that God has bestowed upon every man certain natural rights, in whatever region he may chance to pass the first moments of his existence; and must explain his claim to imply, that the constitution of the country entitles him to allegiance from every person born within the limits of its jurisdiction. How then has the individual in question lost his natural right to freedom? Has he forfeited it by his crimes? That is not pretended; the claim of allegiance embraces alike the innocent and the guilty. In what manner therefore have the constitution and laws of the country acquired authority to control

control his original rights? These rights, until he arrived at such an age as to be entitled to act wholly for himself, were to a certain degree at the disposal of his parents or protectors: when that period is arrived are they not absolutely his own by the gift of God? By the gift of God they are absolutely his own; and as long as he abstains from invading the rights of others, no person whatever can claim any jurisdiction over him, until it be sanctioned by his express or implied consent.

C H A P. II.

ORIGIN OF CIVIL GOVERNMENT.

“ GOVERNMENT at first was either patriarchal or military ; that of a parent over his family, or of a commander over his fellow-warriors.^a”

Were I to undertake the defence and illustration of this position stated by Mr. Paley, I could not accomplish my design in any method so effectual, as by transcribing his own very accurate discussion of the subject. I will not, by abridging his remarks, exhibit them to disadvantage ; nor should I dwell on this topic, were it not for the purpose of shewing that the rights of civil government appear from Mr. Paley’s account of their origin to have been actually established on consent alone : a circumstance not a little unfavourable to his subsequent reasoning, in which he continually appeals to fact and experience in support of his own system.

^a Paley, Vol. II. Page III.

Having

Having alluded to the rights which parents naturally possess over their children, previously to their arrival at years of discretion, Mr. Paley observes, that “ a parent^b would retain “ a considerable part of his authority after “ his children were grown up, and had “ formed families of their own. The obedience, of which they remembered not “ the beginning, would be considered as “ natural; and would scarcely during the “ parent’s life be entirely or abruptly withdrawn.” These words imply that the children, when grown up, were at liberty to withdraw their obedience, had they thought proper to take this step. And this inference is confirmed by Mr. Paley’s observations on the rights and duties of parents in another part^c of his work; wherein he concludes that the former owe their origin and validity to the latter; and that the right of coercion exists no longer than it is necessary for the purpose of enabling the parent to ensure the welfare of his child, as yet too young to provide for himself. Of course, when that period is elapsed, all further subjection on the part of the child must be voluntary.

^b Page 112. Vol. II.

^c Page 368. Vol. I.

That the successor of the parent derives his authority solely from the consent of the other members of the society, Mr. Paley evidently allows; since he describes him as^d appointed to his office by their own “formal choice,” or by a “willing transfer” of their obedience, encouraged perhaps by motives of respect for their first ancestor.

That the military chief owes his^e appointment to the consent of his fellow-warriors is a fact sufficiently obvious.

Lastly. The causes which Mr. Paley enumerates^f as having given rise to the rule of hereditary succession, are all of them motives by which the members of a community would be induced to establish that rule by consent; but they do not, either singly or collectively, afford an argument to prove that by any other means than consent the establishment could justly have taken place.

^d P. 113. ^e P. 114. ^f P. 115, 116.

C H A P. III.

EXAMINATION OF SOME OF MR. PALEY'S OBJECTIONS
TO THE ESTABLISHMENT OF CIVIL OBEDIENCE ON
THE CONSENT OF THE GOVERNED.

THOUGH I apprehend it to have been clearly proved, that the consent of the subject is the only just foundation on which civil government can be established ; yet the authority of Mr. Paley, who totally rejects this doctrine, is such as to entitle his arguments to distinct consideration. I shall enter into an examination of them with greater willingness, as in the course of it I shall have an opportunity of making some remarks, which may tend to elucidate the true nature of social polity.

The theory, against which Mr. Paley immediately directs his attack, is a theory which I think by no means unobjectionable. I shall proceed to separate those parts of it which are indefensible from those which appear to rest on immovable foundations ; after premising

that it is not this theory alone, but every theory which grounds civil obedience on the consent of the subject, that Mr. Paley labours to explode. He^f rejects “ the intervention of
 “ a compact as unfounded in its principle, and
 “ dangerous in the application;” and substitutes^g “ public expediency in the place of
 “ all implied compacts, promises, or conventions whatsoever.”

Mr. Paley observes that the compact, which Mr. Locke and other political writers affirm to subsist between the citizen and the state, is twofold.

“ First^h: An *express* compact by the primitive founders of the state, who are supposed to have convened for the declared purpose of settling the terms of their political union, and a future constitution of government. The whole body is supposed, in the first place, to have unanimously consented to be bound by the resolutions of the majority; that majority, in the next place, to have fixed certain fundamental regulations; and then to have constituted,

^f Paley, Vol. II. P. 141.

^g P. 143.

^h P. 130.

“ either

“ either in one person or in an assembly,
 “ (the rule of succession or appointment be-
 “ ing at the same time determined) *a standing*
 “ *legislature*, to whom, under these pre-esta-
 “ blished restrictions, the government of the
 “ state was thenceforward committed; and
 “ whose laws the several members of the
 “ convention were, by their first undertaking,
 “ thus personally engaged to obey. This
 “ transaction is sometimes called the *social*
 “ *compact*; and these supposed original regu-
 “ lations compose what are meant by the
 “ *constitution*, the *fundamental laws of the*
 “ *constitution*; and form on one side the *in-*
 “ *herent indefeasible prerogative* of the crown,
 “ and on the other the *unalienable birth-*
 “ *right* of the subject.”

“ Secondly. A *tacit* or *implied* compact, by
 “ all succeeding members of the state, who,
 “ by accepting its protection, consent to be
 “ bound by its laws; in like manner, as
 “ whoever *voluntarily enters* into a private
 “ society is understood without any other
 “ or more explicit stipulation, to promise a
 “ conformity with the rules, and obedience
 “ to the government, of that society, as the

“ known conditions upon which he is ad-
 “ mitted to a participation of its privileges.”

“ This account of the subject, although
 “ specious, and patronised by names the most
 “ respectable, appears to labour under the
 “ following objections; that it is founded
 “ upon a supposition, false in fact, and lead-
 “ ing to dangerous conclusions.”

In support of these objections, Mr. Paley proceeds, in the first place, to contest the existence of the *express* compact stated and described above. He observes ⁱ that “ no
 “ social compact, similar to what is here
 “ described, was ever made or entered into
 “ in reality; no such original convention of
 “ the people was ever actually held, or in
 “ any country could be held, antecedent to
 “ the existence of civil government in that
 “ country.

“ It is to suppose it possible to call savages
 “ out of caves and deserts, to deliberate and
 “ vote upon topics, which the experience,
 “ and studies, and refinements, of civil life

[†] Page 132,

“ alone

“ alone suggest. Therefore no government
 “ in the universe *began* from this original.”

Afterwards Mr. Paley adds, in reply to those who propose this original compact, “ not ^k as
 “ a fact, but as a fiction, which furnishes a
 “ commodious explication of the mutual
 “ rights and duties of sovereigns and sub-
 “ jects,” that, “ if it be not a fact, it is
 “ *nothing*; can confer no actual authority
 “ upon laws or magistrates; nor afford any
 “ foundation to rights, which are supposed
 “ to be real and existing.”

In this formidable attack on the existence and efficacy of Mr. Locke's *original* compact I entirely concur. I admit that no such compact ever did or could exist in any country; that no government in the world has been thus established; and that a supposed fictitious compact can never create a substantial right. But I must also remark, that the existence or non-existence of this original compact is a matter of perfect indifference to my argu-

^k Page 134.

ment; and a speculation wholly unimportant to the present members of any society. It has already been shewn, that every man is originally possessed of various rights by the immediate gift of God; rights which no stipulations of his ancestors can shackle and abridge, since no earthly power can justly invade the gifts which any man has received from God, until he has consented to resign them, or has forfeited them by his crimes. His birthright is not unalienable; but it is alienable only by himself. If therefore such an original compact had ever taken place, it would not have been obligatory on succeeding generations. They in their turn would enjoy from their Maker's bounty the same liberty with which their forefathers were endowed, of instituting such a form of government as they should deem for their advantage; and of modelling, of curtailing, and of annihilating, whatever had been termed the inherent and inextinguishable prerogative of the crown.

Mr. Paley, in the next place, points his artillery against the *implied* compact. “¹ The

¹ Page 136.

“ native

“ native subjects of modern states are not
 “ conscious of any stipulation with their
 “ sovereigns; of ever exercising an election
 “ whether they will be bound or not by the
 “ acts of the legislature; of any alternative
 “ being proposed to their choice; of a pro-
 “ mise either required or given; nor do they
 “ apprehend that the validity or authority of
 “ the laws depends at all upon their recog-
 “ nition or consent. In all stipulations,
 “ whether they be expressed or implied,
 “ private or public, formal or constructive,
 “ the parties stipulating must both possess
 “ the liberty of assent and refusal, and also
 “ be conscious of this liberty; which cannot
 “ with truth be affirmed of the subjects of
 “ civil government, as government is now
 “ or ever^m was actually administered. This
 “ is a defect which no arguments can excuse
 “ or supply; all presumptions of consent,
 “ without this consciousness, or in opposition
 “ to it, are vain and erroneous.”

^m It is obvious that this assertion is incompatible with
 those parts of Mr. Paley's Chapter on the Origin of Civil
 Government which have been recently quoted and con-
 sidered.

If

If we should admit Mr. Paley's statements in this extract to be accurate in their utmost latitude, they would shew that government has not *in fact* been established on the principle of the subject having given his consent; but they do not afford the shadow of an argument to prove that it can *justly* be established on any other principle; they contain not a single expression which may lead to prove a *right* in a civil governor to exact obedience, without having previously obtained the express or implied consent of the governed. I might therefore dismiss the objection, as totally irrelevant in an inquiry into the just foundation of civil government.

But these positions of Mr. Paley, if understood in that extent which the words seem naturally to imply, do not give an adequate representation of the case as it really exists. With respect to our own government in particular, the fact is in many instances the reverse of the preceding description. Not only our ablest political writers inculcate the doctrine of civil government originating from the consent of the governed; not only the
public

public speakers in both houses of parliament, however numerous, and however essential the topics may be on which they differ, universally concur in vindicating the native right of the people to frame their own system of government, and thereby at once manifest and guide the general opinion of the nation; but almost every subject of the realm is apprized that the sovereign at his coronation binds himself by a solemn oath to observe certain stipulations, imposed on the part of his subjects to mark the limits of his power; and believes that the wilful violation of them would absolve him from allegiance. This principle is so well understood by Englishmen, and the signal recognition of it at the period of the Revolution has received such general applause, that few could be selected even from the lowest and most unenlightened classes, who would not think themselves released on this very principle from the obligation of obedience (however necessity might finally constrain them to acquiesce,) if their monarch were forcibly to establish the Roman catholic religion, or to transfer his dominions as a province to France. The preceding observations

may be applied, in a greater or less degree, to most, if not to all, European governments.

Further, it may be observed, with respect to most states in this part of the world, and particularly concerning our own, that every man is conscious that if he continues in the dominions of the state he must submit to its laws; and consequently by this continuance he tacitly and decidedly consents to obey them". And his consent is accepted by the state through the medium of the laws, which describe what persons shall be considered as subjects. Whether he is aware of the contents of all, or of any, of these laws is a matter of no consequence. My reader considers himself under a general obligation to submit to the present laws of the land, though per-

ⁿ Mr. Paley, p. 137, states that the writers in favour of the implied compact maintain that allegiance is more especially promised by the purchase and inheritance of lands. As I have not rested any part of my argument on the circumstance of holding lands (although a circumstance affording an open proof of the occupier conforming to the laws and consenting to be a member of the state), it is not necessary for me particularly to consider his remarks on that branch of the subject.

haps there are few among them with which he is accurately acquainted.

But it may be said, numbers are little informed, or totally ignorant, respecting their original rights, and obey without consideration. And it must be owned that government is a system too complex, and too far removed from the common apprehension of the crowd, to make it possible that in any state it should be universally understood. The intelligent alone will have a complete insight into its principles and mechanism; others, as they gradually descend in the scale of society, will entertain ideas more and more imperfect; until perhaps, in the very lowest class, both knowledge and curiosity, with regard to the just grounds of submission, may be almost extinguished. Nor is this partial ignorance peculiar to the subject of government; it prevails in a similar degree, and with consequences more to be lamented, with respect to religion. Yet neither in these, nor in any other examples, is any man divested of his native rights by the accidental circumstance of having lived in ignorance of them; nor
precluded

precluded from reclaiming, when he awakes from his trance, the boon which he has received from Heaven. The slave, who has neither surrendered his freedom by his consent, nor forfeited it by his crimes, retains his title to it sound and unimpaired, though he may have toiled for half a century insensible of the injustice of his bondage: as the Indian preserves his claim to the blessings purchased for him by the death of Christ, though he never heard of the name or of the existence of his Redeemer.

As the subject is not divested of his natural rights by his ignorance of their existence, so neither is the state deprived of its title to his obedience by the circumstance of his having consented to obey on erroneous grounds, provided it has not contributed to create or to prolong his blindness.

But “ if the • subject be bound only by his
 “ own consent, and if the voluntary abiding
 “ in a country be the proof and intimation of
 “ that consent; by what arguments,” demands
 Mr. Paley, “ shall we defend the right, which

“sovereigns universally assume, of prohibiting when they please the departure of their subjects out of the realm?”

I have advanced nothing which lays me under an obligation of defending every right assumed or exercised by sovereigns. The position, which I have undertaken to maintain, that the only just foundation of civil government is the consent of the subject, may be incontestably true, although the practice mentioned by Mr. Paley should be utterly indefensible. It may however be remarked, that if the state find it essentially requisite, for the purposes of justifiable self-defence, to prohibit, either by a law enacted on the particular occasion, or by a discretionary power vested in the hands of a deputed legislature, the departure of its subjects out of the realm, lest they should assist the enemy with intelligence, with their property, or with their personal service, the imposition of this restraint is a just exercise of an actual right; and it is a restraint which, under those circumstances, the state would be justified in imposing on every inhabitant of the realm, whether citizen or foreigner. The prohibition, whenever it is
not

not requisite on the abovementioned grounds, cannot be vindicated. But, if justifiable self-defence require the general law, and its operation should accidentally detain a particular individual, who might safely have been permitted to depart; the state, if it be unable to devise a test, whereby those persons whose departure would be compatible with its security may be ascertained, is no more culpable than he who should unintentionally wound a harmless passenger by discharging a pistol at an assassin. It would be more obviously unreasonable to accuse the state of confining the subject, and of exacting obedience without his consent, if poverty, or an accidental circumstance of a similar nature, should prevent him from leaving the country. If a tenant find himself compelled to hold a farm against his will, by being unable to bear the expense of removal, or in consequence of having broken his leg; the landlord is not chargeable with detaining him, nor does he forfeit his titles to the rent.

“ Still ^p less is it possible,” adds Mr. Paley,
 “ to reconcile with any idea of stipulation
 “ the practice, in which all European nations

^p Page 136.

“ agree,

“ agree, of founding allegiance upon the cir-
 “ cumstance of nativity; that is, of claiming
 “ and treating as subjects all those who are
 “ born within the confines of their dominions,
 “ although removed to another country in
 “ their youth or infancy. In this instance
 “ certainly the state does not presume a
 “ compact.”

I must again observe, that this practice, and
 other practices of states, may be diametrically
 opposite to the position, that just government
 can be established only on consent, and yet
 that position may be true. What is right is
 often the reverse of what is fact. Number-
 less actions arise daily from motives the most
 depraved; yet obedience to God is the only
 just principle of conduct. I will not repeat
 the reflections contained in the preceding
 chapter, on the obligation of allegiance being
 founded on the circumstance of birth. I can
 not however refrain from remarking, that the
 practice of executing as rebels those who are
 taken in arms against the country in which
 they were born, although they have been
 nurtured in a foreign realm from their earliest

Q

infancy,

infancy, is to be vindicated on no plea, except on that of self-defence; and, without the strongest proofs of its being necessary for that purpose, cannot be rescued from the charge of barbarity and injustice.

C H A P. IV.

MR. PALEY'S REMAINING OBJECTIONS CONSIDERED.
COMPARATIVE VIEW OF THE TWO SYSTEMS.

“ THE ^a theory of government, which
“ affirms the existence and the obligation
“ of a social compact, would, after all, merit
“ little discussion; and, however groundless
“ and unnecessary, should receive no opposi-
“ tion from us, did it not appear to lead to con-
“ clusions unfavourable to the improvement
“ and to the peace of human society.”

This is an observation which very naturally suggests itself to a moralist, who pronounces on the rectitude of every action, and the obligation of every duty, solely according to his ideas of utility. Mr. Paley, in support of his allegations, urges three additional objections to the doctrine of the rights of government being founded on the consent of the sub-

^a Page 138.

ject designed to shew the pernicious consequences which, in his opinion, would ensue from admitting it. These objections I shall distinctly consider; but, previously to any examination of them, I must observe that, if the position, against which their force is directed, has already been proved by sound reasoning, not even a demonstration that its reception would be followed, as far as man can trace its influence, by undesirable effects would afford an argument against its truth. The ravages of eruptions do not disprove the existence of the volcano.

Mr. Paley's first objection is couched in the following terms: " Upon ^b the supposition
 " that government was first erected by, and
 " that it derives all its just authority from
 " resolutions entered into by a convention of
 " the people, it is capable of being presumed
 " that many points were settled by that convention
 " anterior to the establishment of
 " the subsisting legislature; and which the
 " legislature consequently has no right to alter

^b Page 138.

“ or interfere with. These points are called
 “ the *fundamentals* of the constitution; and,
 “ as it is impossible to determine how many
 “ or what they are, the suggesting of any
 “ such serves extremely to embarrass the de-
 “ liberations of the legislature, and affords a
 “ dangerous pretence for disputing the autho-
 “ rity of the laws.”

These arguments apply solely to the *original express* compact asserted by Mr. Locke: I have already denied the existence of any such compact; and have further endeavoured to shew, that, even if it had existed, the present generation could not have been divested of their natural rights by the stipulations of their ancestors. I should not therefore have thought it necessary to quote the preceding paragraph, had it not been for the purpose of subjoining the obvious remark, that the bad consequences enumerated therein will not flow from the position that an individual, by voluntarily continuing in the state, *impliedly* consents to submit to the existing laws, and thus confers on the community a title to his obedience.

Mr. Paley, in the second place, alleges that, “ if ‘ it be by virtue of a compact that
 “ the subject owes obedience to civil govern-
 “ ment, it will follow that he ought to abide
 “ by the form of government which he finds
 “ established, be it ever so absurd or incon-
 “ venient: he is bound by his bargain. It is
 “ not permitted to any man to retreat from
 “ his engagement merely because he finds the
 “ performance disadvantageous, or because he
 “ has an opportunity of entering into a better.
 “ This law of contracts is universal.”—“ Re-
 “ sistance to the *encroachments* of the supreme
 “ magistrate may be justified upon this prin-
 “ ciple; recourse to arms, for the purpose of
 “ bringing about an amendment of the con-
 “ stitution, never can.”—“ Despotism is the
 “ constitution of many states; and while a
 “ despotic prince exacts from his subjects the
 “ most rigorous servitude, according to this
 “ account, he is only holding them to their
 “ agreement.”

I give Mr. Paley’s arguments in his own words, that they may appear with their ut-

most force. Their validity rests wholly on a presumption that it necessarily follows, from the assertion of a compact, that, whenever an individual becomes a member of a community, he thereby engages to abide by the system of government which he finds established, as long as his governors shall abstain from encroachments. But, until Mr. Paley's hypothesis be substantiated, his objection can have no real weight.

When an individual enters into a civil society, his implied promise to obey the laws necessarily supposes that he is also admitted to enjoy the rights of a citizen. It is given, not, in the first instance, to the prince or legislative body, but to the state at large; and to the legislature only in virtue of its possessing the delegated authority of the state. The citizens of each community are the source and fountain of civil power; for civil power, as we have proved, can be established on no just grounds except their consent: and their obligation to obedience is commensurate with the right which they have themselves created in the legislature by a special grant of power, either express or implied. If therefore we

admit, in the case of any particular government, that the legislature has not transgressed its appointed bounds; yet, unless it can be demonstrated that the citizens have at some particular period deprived themselves of their natural right of reclaiming at their discretion this deputed authority, by entering into an engagement that the grant shall be irrevocable; and unless it can be further shewn, that every succeeding member of the state has also bound himself by the same engagement; the whole of Mr. Paley's argument falls to the ground.

That these engagements do *necessarily* exist in every civil society is not surely to be presumed as self-evident.

There is, in truth, no better reason for presuming that he, who, by voluntarily becoming a member of a community, gives the legislature a deputed power over him, does thereby engage never to resume the grant; than there would be for concluding that he, who takes a house at a certain rent, does thereby engage to hold it during his life on the same terms; or that he, who voluntarily becomes the servant of another, does there-
by

by contract never to quit his place, or to insist on making a fresh bargain, as long as his master uses him well, and pays him his present wages. Such extensive and permanent engagements can never be inferred from the existence of others of a limited nature; they must be proved by unequivocal stipulation.

“ Every ^d violation of the compact on the
 “ part of the governor releases the subject
 “ from his allegiance, and dissolves the go-
 “ vernment. I do not perceive how we can
 “ avoid this consequence, if we found the
 “ duty of allegiance upon compact, and con-
 “ fess any analogy between the social com-
 “ pact and other contracts. In private con-
 “ tracts, the violation or non-performance of
 “ the conditions by one of the parties vacates
 “ the obligation of the other. Now the
 “ terms and articles of the social compact
 “ being no where extant or expressed; the
 “ rights and offices of the administrator of an
 “ empire being so many and various; the
 “ imaginary and controverted line of his pre-
 “ rogative being so liable to be overstepped.

^d Page 140.

“ in one part or other of it; the position
 “ that every such transgression amounts to a
 “ forfeiture of the government, and conse-
 “ quently authorises the people to withdraw
 “ their obedience, and provide for themselves
 “ by a new settlement, would endanger the
 “ stability of every political fabric in the
 “ world; and has, in fact, always supplied
 “ the disaffected with a topic of seditious
 “ declamation. If occasions have arisen in
 “ which this plea has been resorted to with
 “ justice and success, they have been occa-
 “ sions in which a revolution was defensible
 “ upon other and plainer principles: the plea
 “ itself is at all times captious and unsafe.”

That every wilful violation of the compact
 on the part of government would authorise
 the people to withdraw their obedience, even
 if we suppose them not to have the right
 independently of such violation, I admit; but
 that every such violation dissolves the govern-
 ment (as Mr. Paley asserts) is an inference
 which by no means necessarily follows, and an
 inference which is contradicted by the analogy
 of other contracts. If a private person appoints
 an agent, under certain stipulations, to manage
 5 his

his affairs for an unlimited time; and the latter, in a particular instance, should knowingly transgress the bounds of his power; it does not follow that his agency ceases from that moment. His employer has a right to displace him; but, if he passes over what has happened in silent acquiescence, the other continues in full possession of his office, and his future acts as agent are valid. This reasoning exactly applies to the situation of a governor and his subjects. He is their agent, with a prerogative by no means so indefinite as Mr. Paley seems to represent it, but determined by the known laws and usages of the land; and although he may have exercised unconstitutional authority, yet he does not thereby cease at once to be governor. The people, it is true, may discharge him from his office; but if they are induced by prudential considerations, or by reflections on human weakness, to refrain from deposing him, he continues to have the same title to obedience from every member of the state as he had previously to the commission of the crime for which he might have been stripped of his power.

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Mr. Paley proceeds to point out seven inferences, which he affirms to be important, and to “ result “ from the substitution of public “ expediency in the place of all implied com- “ pacts, promises, or conventions whatso- “ ever.” Without immediately entering into a professed inquiry how far the whole of these consequences in their full extent are beneficial, I shall, in the first place, examine whether they are peculiar to Mr. Paley’s system.

1st: “ It may be as much a duty at one “ time to resist government, as it is at an- “ other to obey it ; to wit, whenever more “ advantage will, in our opinion, accrue to “ the community from resistance than mis- “ chief.”

The principle, on which I have endeavour- ed to establish the duty of submission, by no means excludes the duty of resistance. On that principle, subjects have a *right* to resist; not indeed, as Mr. Paley maintains, merely according to their ideas of expediency; but whenever the legislature exceed the bounds of

the authority with which it is intrusted, or persists in retaining that authority without possessing, either by stipulation or acquiescence, the consent of the community. And it is the *duty* of subjects to exert that right, whenever they are persuaded that the purposes of their being, one of the most important of which is to promote the welfare of all orders of the state, will not be answered by forbearance as effectually as by resistance.

2dly: “ The lawfulness of resistance, or
 “ the lawfulness of a revolt, does not depend
 “ alone upon the grievance which is sustained
 “ or feared; but also upon the probable ex-
 “ pense and event of the contest.”

This is the second of Mr. Paley’s inferences, and together with it I shall consider the fourth; as the substance of both is the same, though clothed in different expressions.

“ Not every invasion of the subject’s rights,
 “ or liberty, or of the constitution; not every
 “ breach of promise or of oath; not every
 “ stretch of prerogative, abuse of power, or
 “ neglect of duty by the chief magistrate,
 “ or

“ or by the whole or any branch of the
 “ legislative body, justifies resistance; unless
 “ these crimes draw after them public conse-
 “ quences of sufficient magnitude to out-
 “ weigh the evils of civil disturbance.”

I must request the reader to recollect the distinction, which I have had frequent occasion to notice, between acts of duty to God and of justice to men. The preceding quotations from Mr. Paley, considered as referring only to actions of the former class, are perfectly compatible with the principle which I have asserted to be the only just foundation of government; and are immediately deducible from the positions^f established in a former chapter of this treatise. The citizen who resists an usurper, or a tyrant, is guilty of a breach of duty towards God, if he resists when forbearance would equally have enabled him to accomplish the ends for which he was created; and I have already observed, that to promote the happiness of others and of those in particular with whom he is connected by natural or by social ties, is one of the most

^f Part II. Chap. IV.

important of those ends. They, who concerted the revolution, would not have been guilty of the least injustice towards James, even though they had opposed him without having any prospect of success; but they would have flagrantly violated their duty to God, had they engaged in a hopeless or unpromising enterprise, which would necessarily have produced the calamities of a civil war, and probably have riveted more strongly the fetters of their fellow subjects.

3d: “ Irregularity in the first foundation
 “ of a state, or subsequent violence, fraud,
 “ or injustice in getting possession of the
 “ supreme power, are not sufficient reasons
 “ for resistance, after the government is once
 “ peaceably settled.”

A peaceable settlement of the government proves that the subjects consent to the sovereignty of the prince on the throne, by whatever means he may have obtained possession of it. And they have in all cases a right to give this consent, except it has been alienated or forfeited by their own act. The rule then is equally applicable, whether the
 right

right to govern be founded on consent or on expediency.

4th: The fourth of Mr. Paley's inferences has already been considered.

5th: " No usage, law, or authority
" whatever, is so binding, that it need or
" ought to be continued, when it may be
" changed with advantage to the com-
" munity."

It has been sufficiently shewn in the preceding pages, that every law, whether it relate to the family of the prince, the order of succession, the form and authority of the legislature, or the duties of the subject, is mutable at the will of the community; except as far as the members of the state have abridged, by particular stipulations, their natural right of altering the laws.

The rule thus limited is an immediate consequence of the position, which establishes the rights of governors on the consent of their subjects.

6th;

6th: Mr. Paley proceeds to deduce from the principle of expediency the reasons why a Frenchman is bound in conscience to bear many things from his king, to which an Englishman is not obliged to submit. If the principles which I have endeavoured to establish are true, the answer to an enquiry into the different obligations of the members of different communities will flow from an equally obvious and less objectionable source. The inhabitants of the whole world are severally endowed with the same natural rights; and the difference in the degrees of authority to which the monarchs of neighbouring countries are entitled, is created by a difference in the laws to which their respective subjects give their consent.

7th: “ The interest of the whole society
“ is binding upon every part of it.”

This rule, if confined to the internal regulations of the society, is perfectly consistent with the positions which I have maintained. I have repeatedly stated, that few of the duties which an individual owes to God are of higher concern, than strenuous exertions for the wel-

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fare of those with whom he is united by the ties of social connection; and a similar conduct is in many cases required by strict justice. Yet however laudably his zeal may be exerted in enduring hardships, in submitting to losses, or in exposing himself to dangers for the sake of his fellow-subjects, it must be scrupulously restrained to those cases, in which it will not be attended with a violation of the rights of other men.

As Mr. Paley professedly rests his most powerful objections to the doctrine, which ascribes the rights of governors to the consent of the subject, on the pernicious consequences with which he apprehends that doctrine necessarily to be burthened; and recommends the principle on which he founds civil authority as peculiarly favourable to human happiness; I shall state the characteristic features of the two systems. The reader will judge whether the respective representations be fairly drawn; and will decide, whether the principle of expediency or of consent is the most favourable to the reasonable authority of government, and to the peace and welfare of the people.

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I must however previously and expressly declare, as I have already done on on a similar * occasion, that the validity of my preceding arguments can in no degree whatever depend on the judgement which my reader may form respecting the points now about to be laid before him. If the grounds which Mr. Paley recommends as the basis of civil authority should, contrary to my expectations, be deemed more favourable to human happiness than the positions concerning government which I have endeavoured to establish, no inference can be derived from that circumstance in support of the former; since in the first part of this treatise I have proved, that seeming expediency is not a criterion by which the truth of moral principles is to be tried. But if a practical application of Mr. Paley's rule of utility as the standard by which the rights and obligations of governors and subjects are to be decided would apparently diminish the amount of general happiness, that rule must be pronounced inadmissible and false, as leading to conclusions subversive of itself.

* See the two first pages of chap. IV. part I.

According to the positions which I have maintained, subjects have a right, not only to resist the legislature whenever it proceeds to an act of power unauthorised by the laws, but, further, to resume at any period the authority which they have delegated (unless they have entered into an unequivocal stipulation to the contrary) and to institute a new form of government, according to whatever plan they shall be inclined to adopt. These rights form a barrier against despotism, and afford ample scope for improvements in civil polity.

At the same time considerations are not wanting, which, if permitted to have their due weight, will secure the sovereign power from the dangers of instability; and the community from the calamities, intestine discords, and civil wars, resulting from unnecessary attempts to effect a change in the constitution. Every subject is bound, as long as he continues a member of the state, to obey all such laws as the state has a right to enact, and determines to continue. And in estimating the propriety of resisting the encroachments of the magistrate, or of abetting any alteration in the form of government, he is highly criminal

minal in the fight of God, if a regard to the welfare of his fellow subjects be not one of the motives which have a principal influence on his mind.

But, though the prosperity of his country must be one of the leading objects of his care as a member of civil society ; he is bound, as a being accountable to his Maker, to abstain from all attempts to promote it at the expense of justice. He is to remember that the rights of others are as sacred as his own. This consideration will preserve him from being misled by erroneous conceptions of patriotism to support his governors in oppressive conduct towards foreign nations ; it will preserve him from being deluded by mistaken ideas of allegiance to concur in acts of tyranny towards his fellow citizens.

On Mr. Paley's principles, the subject must consider himself as having a right and also as bound in point of duty, to resist the existing governors, whether usurpers or not, and to join in effecting a change in the constitution, then, and then only, when such steps will, in his opinion, conduce to the public welfare.

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According to this position, however tyrannical, unjust, or impious, the commands of government may be, if he^h should be ordered to destroy an innocent fellow-citizen; to ravage the territories of an ally; to embrace a religion which he knows to be idolatrous; in all these cases, if he conceives that compliance will promote general expediency, compliance is his duty. Nay, he would have no less merit in betraying his country, in setting fire to her dock yards, or in blowing up her legislature, to promote the designs of a foreign invader, if he should imagine that such a deed would, on the whole, be productive of advantage to mankind, than if, with contrary sentiments, he had hazarded his life

^h The reader will recollect what I have quoted from Mr. Paley, in a former part of this treatise, that in his opinion cases may arise in which general expediency will *actually* require *every* moral rule to be violated. Nor will he be unmindful that Mr. Paley's rule, which refers the inquirer merely to vague conjectures respecting future contingencies, must, from its nature, be most liable to be conceived, or represented, as justifying actions subversive of social happiness. (See part I, chapter IV.) The principles which I have maintained in the present treatise appear incomparably less exposed to misapplication or abuse.

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in the breach for her defence. In like manner he is bound to violate every law, even any law which he has personally engaged by promise or by oath on no plea whatever to disobey; he is empowered, like Cade, to head a barbarous rebellion; like Felton, to murder the favourite of the monarch; like Damiens, to assassinate the monarch himself; whenever his passion or his fanaticism induce him to believe that these outrages will in the ended be sanctioned by utility.

Nor is less latitude allowed by Mr. Paley to the discretion of the governor than to that of the subject. “ The reasoning ⁱ which deduces the authority of civil government from the will of God, and which collects that will from public expediency alone, binds us to the unreserved conclusion, that the jurisdiction of the magistrate is limited by no consideration but that of general utility: in plainer terms, that, whatever is the subject to be regulated, it is lawful for him to interfere, *whenever* his inter-

ⁱ Paley, Vol. II. Page 324.

“ ference,

“ference, in its general tendency, *appears*” (to the magistrate himself, as Mr. Paley afterwards says^k expressly) “to be conducive “to the common interest.” He is therefore authorised to violate at his discretion all the rights of his subjects, by whatever solemn engagements he may have bound himself to preserve them; he is obliged in conscience to trample on every law, human and divine, whenever such conduct accords with his notions of general expediency. If then he should be of opinion, that by assuming power in opposition to the will of the nation, and maintaining it by an army of mercenaries, he should promote the good of the people without impairing the happiness of mankind in general, he would be justified in his usurpation. If he should also think that to lavish the blood of his subjects in a crusade, and to seize half their property to defray the charge of the enterprise, would be an additional advantage to them, he would do no more than his duty in turning a deaf ear to their remonstrances, and in enforcing submission by the bayonet. Nay, though he should not be able

to satisfy himself that these proceedings would be for the interest of his people; yet if he should fancy that GENERAL good would in some way be promoted by them; or if he should endeavour to promote it by putting his subjects into the hand of a neighbouring potentate as vassals; by selling them for slaves to a company of foreign merchants; or by introducing among them Popery or Paganism, and enforcing its reception by inquisitorial persecution; in each of these instances, according to Mr. Paley's principle, he would merit the gratitude of mankind, and the approbation of his God.

THE END.



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